

Senior Elected Official Handbook - v1.docx

Office of Emergency Management

7/17/2020



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REVISION HISTORY

Rev	Date	Summary of Changes	Prepared by	Approved by
01	July 17, 2020	Initial Release	Robyn Heibert Emergency Management Specialist, Corporate and Community Preparedness	Tim Lindsay, Acting Manager, Office of Emergency Management

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1. SENIOR ELECTED OFFICIALS INFOGRAPHIC

SENIOR ELECTED OFFICIALS

Roles and responsibilities during emergencies

Ensuring Continuity of Government

Senior elected officials are responsible for ensuring that their municipality continues to operate during an emergency and are responsible for ensuring that essential services are provided.





Declaring an Emergency

In the event that extraordinary measures are required to protect the health and safety of residents, the Mayor (or acting Mayor) can formally declare an emergency by signing an Emergency Declaration Form and notifying the province.

Gathering and Sharing Information

Senior elected officials are responsible for staying informed regarding the municipality's response to the emergency so that they can keep their constituents informed.





Serving as Municipal Spokesperson

The Mayor (or acting Mayor) may serve as the designated municipal spokesperson. This decision should be made in consultation with the activated Incident Management Team.

Relevant Legislation:
Emergency Management and Civil Protection Act, R.S.O. 1990 C.E.9

See Section 7 for more information.

2. ACRONYMS

Acronym	Meaning
CEMC	Community Emergency Management Coordinator
DRAO	Disaster Recovery Assistance for Ontarians
EMCPA	Emergency Management and Civil Protection Act
EMPC	Emergency Management Program Committee
EOC	Emergency Operations Centre
HIRA	Hazard Identification and Risk Assessment
IMS	Incident Management System
IMT	Incident Management Team
MDRA	Municipal Disaster Recovery Assistance
MECG	Municipal Emergency Control Group
MMAH	Ministry of Municipal Affairs and Housing
OEM	Office of Emergency Management
OFMEM	Office of the Fire Marshall and Emergency Management
OPT	Own Purpose Taxation

3. EMERGENCY MANAGEMENT BACKGROUND

3.1. EMERGENCY DEFINITION

Section 1 of the *Emergency Management and Civil Protection Act, R.S.O. c.E-9* (EMCPA) defines an emergency as:

A situation or impending situation 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 an act whether intentional or unintentional.

3.2. WHAT IS EMERGENCY MANAGEMENT?

Emergency Management is defined as “organized activities undertaken to prevent, mitigate, prepare for, response to and recover from actual or potential emergencies” (Emergency Management Ontario, 2011, p.11).

A robust emergency management program addresses each of the five components (prevention, mitigation, preparedness, response and recovery) to ensure public safety and organizational resilience.

A business continuity element should also be included within a municipal emergency management program, focusing on safeguarding organizational assets, human resources, and business processes during emergencies.

3.3. TYPES OF EMERGENCIES

3.3.1. CATEGORIES

Emergency categories refer to the generic cause of the emergency, and are sub-categorized as follows:

- Natural
- Human caused
- Technological

NOTE: There can be instances where various emergency categories blend into one another, such as when a human error causes a technological problem, or a terrorist act that damages a communication node.

3.3.2. CLASSIFICATION

Classification refers to the speed of onset of the emergency, which can be either:

- Gradual (expected)
- Sudden (unexpected)

4. COORDINATION OF RESPONSIBILITY

4.1. MUNICIPAL RESPONSIBILITIES

Each municipality is required to have an emergency management program. The Community Emergency Management Coordinator (CEMC) is responsible for coordinating the development of an emergency response plan, and conducting annual staff training and exercises to ensure readiness.

The City of Mississauga's CEMC is the Manager, Office of Emergency Management.

Please refer to Section 3 for more detailed information on emergency management program requirements.

4.1.1. APPLICABLE LEGISLATION AND REGULATIONS

4.1.1.1. EMERGENCY MANAGEMENT AND CIVIL PROTECTION ACT

The *Emergency Management and Civil Protection Act, R.S.O. 1990, c.E.9 (EMCPA)* is the primary statute governing emergencies in Ontario. The *EMCPA* establishes the legal basis and framework for managing emergencies by defining authority, responsibilities and safeguards.

CEMCs are responsible for submitting an annual compliance report to the Ontario Fire Marshall and Emergency Management to demonstrate their municipality's compliance with the *EMCPA* and *Ontario Regulation 380/04*.

Please refer to Section 3 for detailed information on municipal emergency management program requirements.

4.1.1.2. ONTARIO REGULATION 380/04

Ontario Regulation 380/04 establishes the minimum standards for emergency management programs for municipalities and provincial ministries.

4.1.2. MISSISSAUGA OFFICE OF EMERGENCY MANAGEMENT

The City of Mississauga has an Office of Emergency Management (OEM), which reports to the Director of Emergency Management. The Manager serves as the municipality's primary CEMC, with staff serving as alternates. **The Fire Chief serves as the Director of Emergency Management.**

4.2. PROVINCIAL RESPONSIBILITIES

The provincial *Emergency Management Doctrine* sets out the overall framework for emergency management in Ontario to develop a common understanding. Provincial Emergency Management programs are based on the provincial Hazard Identification and Risk Assessment (HIRA), with the most probable hazards and greatest risks indicating likely program priorities for preparedness, prevention and mitigation efforts.

Identified hazards are taken into account throughout all stages of the provincial Emergency Management program.

4.2.1. OFFICE OF FIRE MARSHALL AND EMERGENCY MANAGEMENT

The Office of the Fire Marshall and Emergency Management (OFMEM) is a branch of the Ministry of the Solicitor General, and is responsible for developing the provincial emergency management doctrine, training and provincial emergency plans.

OFMEM operates the Provincial Emergency Operations Centre (PEOC) for the 24/7 reporting of emergencies. The PEOC also coordinates the provincial response to requests for emergency assistance from municipalities.

4.2.1.1. OFMEM FIELD OFFICER

The Province is divided into two emergency management areas (North and East, and South and West) and ten sectors. The City of Mississauga is part of the Golden Horseshoe Sector, which is comprised of the following regions/municipalities:

- City of Brant
- City of Brantford
- City of Hamilton
- City of Toronto
- Haldimand County
- Halton Region
- Niagara Region
- Region of Peel
- Region of Waterloo
- Town of Norfolk
- York Region

4.2.1.1.1. SUPPORT DURING NON-EMERGENCIES

Outside of emergencies, OFMEM Field Officers can:

- Provide advice and assistance
- Provide training opportunities for municipal staff
- Monitor and report on municipal emergency management programs
- Assist with local emergency preparedness week activities
- Assist with developing and delivering local exercises and training
- Review local program documents and provide feedback (emergency response plans and bylaws)
- Connect CEMCs with other resources (exercise scenarios, emergency management and industry partners)

4.2.1.1.2. SUPPORT DURING EMERGENCIES

During emergencies, OFMEM Field Officers can be deployed to support municipalities with:

- Providing advice and assistance
- Acting as provincial liaison
- Serving as a source of information and conduit for information sharing
- Facilitating request for assistance from the province and federal government
- Coordination of provincial ministry support

5. MUNICIPAL EMERGENCY MANAGEMENT PROGRAM REQUIREMENTS

The *Emergency Management and Civil Protection Act, R.S.O. 1990, c.E.9 (EMCPA)* includes several requirements for municipal emergency management programs. *Ontario Regulation 380/04* provides further clarification in several areas.

The requirements include:

- Emergency Management Program Committee (EMPC)
- Community Emergency Management Coordinator (CEMC)
- Municipal Emergency Control Group (MECG)
- By-law approval
- Hazard Identification and Risk Assessment
- Critical Infrastructure Identification
- Emergency Response Plan
- Emergency Operations Centre (EOC)
- Annual Training
- Annual Exercise
- Public Education
- Appoint an Emergency Information Officer
- Conduct Annual Program Review

5.1. EMERGENCY MANAGEMENT PROGRAM COMMITTEE

The *EMCPA* requires that every municipality develop and implement an emergency management program committee (EMPC), which Council must adopt via by-law.

Ontario Regulation 380/04 further specifies the composition of the program committee, as follows:

- Municipality's emergency management program coordinator
- Senior municipal official appointed by Council
- Members of Council (as may be appointed by Council)
- Municipal employees who are responsible for emergency management functions (as may be appointed by Council)
- Other persons (as may be appointed by Council)

The Council must also appoint a Chair of the EMPC. **The Commissioner of Community Services serves as the Chair.**

The remaining EMPC members for the City of Mississauga include:

- Mayor
- Commissioner of Corporate Services
- Commissioner of Transportation and Works
- Commissioner of Planning and Building
- Chief Building Official
- Fire Chief
- Manager, Office of Emergency Management
- Director of Communications
- Director of Information Technology

If desired, external representation can be included via non-voting members, which can include:

- Local business and industry
- Local utility companies
- Transportation
- Environmental organizations
- Economic development
- Land use planners
- School Boards
- Volunteer organizations

5.1.1. EMPC RESPONSIBILITIES

The EMPC oversees the development, implementation and maintenance of the municipal emergency management program, and is responsible for completing an annual review of the emergency management program.

EMPC responsibilities to the Council include:

- Review all emergency planning documents
- Identify gaps in resource capability
- Recommend approaches to fill gaps
- Amend existing plan(s) to reflect changes
- Submit proposed amendments to Council for approval

NOTE: Minutes of all EMPC meetings should be maintained throughout the year.

5.2. COMMUNITY EMERGENCY MANAGEMENT COORDINATOR (CEMC)

The *EMCPA* requires that every municipality appoint an employee as the emergency management program coordinator (referred to as the community emergency management coordinator, or CEMC).

The CEMC serves as the main liaison with the province during actual emergencies, and is also responsible for submitting annual compliance report to OFMEM.

Ontario Regulations 380/04 further specifies that the appointed CEMC:

- Complete training within one year of appointment as required by the Chief of Emergency Management Ontario
- Coordinate the development and implementation of the municipality's emergency management program, and coordinate with other emergency management programs in so far as possible
- Report to the EMPC on their work

NOTE: The province strongly encourages having one to two alternate CEMCs.

5.3. MUNICIPAL EMERGENCY CONTROL GROUP

The Municipal Emergency Control Group (MECG) is responsible for directing the municipality's response during a large emergency or disaster.

The MECG ensures:

- Continuity of operations for normal municipal business (as much as possible)
- Support for Incident Command

MECG members are required to complete annual training and attend/participate in an annual exercise (see Section 3.9 for more information).

For the City of Mississauga, MECG members include:

- Mayor
- Commissioner of Community Services
- Commissioner of Corporate Services
- Commissioner of Transportation and Works
- Commissioner of Planning and Building
- City Solicitor
- Chief Building Official
- Fire Chief
- Manager, Office of Emergency Management
- Director of Strategic Communications
- Director of Information Technology

NOTE: MECG members must be appointed by name or position by Council.

5.4. BY-LAW APPROVAL

Every municipality must have a by-law, passed by Council, which adopts the municipal emergency management program.

The by-law (through attached schedules, separate by-laws or Council resolutions) should also address:

- Adoption of a municipal emergency plan
- Appointment of EMPC members, including the Chair of the EMPC
- Appointment of MECG members

Accordingly, the City of Mississauga has passed the following bylaws related to emergency management:

- By-law 0221-2016 Emergency Management Program and Committee By-law
- By-law 0181-2019 Disaster Management Plan By-law

5.5. HAZARD IDENTIFICATION AND RISK ASSESSMENT (HIRA)

As part of the development of its emergency management program, every municipality is required to identify and assess various hazards and risks to public safety that could result in emergencies.

5.6. CRITICAL INFRASTRUCTURE IDENTIFICATION

As part of the development of its emergency management program, every municipality is required to identify facilities and other infrastructure elements that are at risk of being affected by emergencies (called critical infrastructure).

The identification of critical infrastructure is a key step towards protecting and preserving public safety, the local economy and continuity of operations at all levels of government.

NOTE: Municipalities must identify all critical infrastructure within their jurisdiction, even if privately owned.

5.6.1. CRITICAL INFRASTRUCTURE SECTORS

Ontario has nine critical infrastructure sectors, including:

- Food and Water
- Electrical Power System
- Public Safety & Security
- Transportation Networks
- Telecommunication Systems
- Gas & Oil
- Financial Services
- Health System
- Continuity of Government

NOTE: A significant amount of critical infrastructure is owned by the private sector. Municipal governments are responsible for identifying the location of all critical infrastructure facilities and developing relationships with the owners of critical infrastructure. Private sector critical infrastructure owners have a responsibility for protecting their assets.

5.7. EMERGENCY RESPONSE PLAN

Municipalities are required to have an emergency plan which outlines how municipal employees will respond to an emergency, including the provision of necessary services.

The *EMCPA* has several requirements for municipal emergency response plans, including:

- Authorize municipal employees to take action under the emergency plan where an emergency exists but has not yet been declared
- Specify procedures to be taken for the safety or evacuation of persons in an emergency area
- Designate one or more members of Council who may exercise the powers and perform the duties of the head of Council under the *EMCPA* or emergency plan
 - During the absence of Head of Council or
 - While the Head of Council is unable to act
- Establish committees and designate employees to be responsible for reviewing the emergency plan, training employees in their functions and implementing the emergency plan during an emergency
- Provide for obtaining and distributing materials, equipment and supplies during an emergency
- Provide for any other matter required by the standards for emergency plans
- Provide for other matters considered necessary or advisable for the implementation of the emergency plan during an emergency

The *Ontario Regulations 380/04* has the following additional requirements:

- Assign responsibilities to municipal employees, by position, regarding plan implementation
- Set out procedures for notifying members of the MECG of the emergency

NOTE: Lower-tier municipal emergency response plans must confirm to the emergency plan for the upper-tier municipality.

5.8. EMERGENCY OPERATIONS CENTRE (EOC)

Every municipality is required to have space to use as an Emergency Operations Centre (EOC), to be used by the MECG during emergencies. The EOC must have appropriate technology and telecommunications capabilities.

NOTE: While the EOC does not have to be dedicated space, the designated facility/facilities must be available for use immediately as an EOC during an emergency.

5.9. ANNUAL TRAINING

MECG members must participate in annual training to ensure readiness.

In 2018, the provincial Chief of Emergency Management issued *Ontario Guidance Note 2018-0101* which requires that specific elements be included in the annual training, including:

- Knowledge of all of the components of the municipal Emergency Management program,
- Knowledge of all the of the municipal emergency plan, including MECG roles and responsibilities, and those of other organizations ,

- Knowledge of the procedures used to activate and operate the municipal emergency plan,
- Knowledge of the notification procedures used to notify members of the MECG that the emergency plan has been activated,
- Knowledge of the location, communications infrastructure and technology in their municipal Emergency Operations Centre.

5.10. ANNUAL EXERCISE

MECG members must participate in annual exercises to ensure readiness. The following types of exercises may be utilized:

- Tabletop exercise
 - Discussion-based exercise, where problems are posed by a facilitator and considered by participants.
- Functional exercise
 - Operation-based exercise, which involves participants to actually perform the functions of their roles in response to a simulated emergency. Movement of resources is simulated.
- Full-scale exercise
 - Operation-based exercise, which involves deployment of personnel and resources to a simulated emergency.

5.11. PUBLIC EDUCATION

Emergency management programs are required to provide public education regarding risks to public safety and on emergency preparedness.

Public education can take many forms, including but not limited to:

- Website and social media posts
- Distribution of brochures or flyers
- Media advertisements
- Information tables at community events
- Presentations

NOTE: Public education should consist of both general emergency preparedness, as well as applicable hazard specific information.

5.12. APPOINTMENT OF AN EMERGENCY INFORMATION OFFICER

Municipalities must appoint an employee to act as the Emergency Information Officer. Procedures regarding the development, approval and distribution of emergency information should be included within the municipal emergency plan.

The Emergency Information Officer for the City of Mississauga is the Director of Strategic Communications.

NOTE: The Emergency Information Officer cannot be a member of Council.

During emergencies, municipalities may choose to have the Emergency Information Officer also act as the municipal spokesperson, but this is not required. Often, the preference will be for other positions, such as the Mayor, a Councillor, or first responder leadership personnel.

Providing consistent, timely and accurate information to the media and public is a vital part of effectively managing major incidents and emergencies, due to the ability to influence public behaviour, contribution towards maintaining public confidence and providing the ability to correct misinformation.

The emergency information provided during an emergency will influence the public perception of how well the response is being handled. Different audiences should be considered during the development of emergency information messaging, including those directly affected, those indirectly affected and the general public.

5.13. ANNUAL REVIEW OF EMERGENCY MANAGEMENT PROGRAM

The EMPC is responsible for reviewing the emergency management program on an annual basis, and making recommendations to Council regarding any required program revisions. Supporting documentation (meeting agenda, minutes) are required as part of the annual compliance report. Elements of the program can be reviewed at each EMPC meeting (if done throughout the year), or the EMPC can complete the full annual program review at one meeting.

A formal report to Council is recommended (but not required). In the event that Council meets to review the program in the following year, the CEMC must contact their OFMEM Field Officer to discuss.

Once all program requirements have been met, the CEMC is responsible for submitting an annual compliance report (along with supporting documentation) to their OFMEM Field Officer. Upon review, the Mayor will receive a notification letter regarding whether or not the municipality met compliance for the year in question.

6. EMERGENCY DECLARATION AND TERMINATION

6.1. MUNICIPAL EMERGENCIES

6.1.1. WHO CAN DECLARE A MUNICIPAL EMERGENCY?

The Head of Council (or Acting Head of Council) can declare that an emergency exists in their municipality and may take actions that are required (not contrary to law) to implement the municipal emergency response plan to protect the health and safety of the residents of the impacted area(s).

The Head of Council (or Acting Head of Council) is also responsible for ensuring that the Solicitor General is notified of the emergency declaration. See Section 4.1.3 for more information.

6.1.2. WHY DECLARE AN EMERGENCY?

Emergency declarations allow municipalities to:

- Use extraordinary measures to protect the health and safety of residents;
- Use sole sourcing for contracts (as outlined in the municipal procurement bylaw);
- Protect volunteers and
- Draw public attention to emergency information.

If a municipality is considering declaring an emergency, OFMEM has created a *Checklist in Consideration of a Declaration of Emergency* document to aid in decision making. See Appendix C for the checklist.

6.1.3. HOW IS AN EMERGENCY DECLARATION MADE?

A municipality must contact OFMEM as soon as possible following the decision to declare an emergency by faxing an *Emergency Declaration Form* (see Appendix A) signed by the Head of Council (or Acting Head of Council). See Appendix A for the emergency declaration form template.

6.1.4. TERMINATION OF MUNICIPAL EMERGENCY DECLARATIONS

The Head of Council (or Acting Head of Council), the Council or Premier may declare an emergency terminated.

The Head of Council (or Acting Head of Council) must sign the *Emergency Termination Form* (see Appendix B) and fax to OFMEM.

6.2. REGIONAL EMERGENCY DECLARATIONS

Generally speaking, a Region declares an emergency in consultation with its member municipalities to coordinate resources, including:

- Emergency Social Services
- Public Health
- EMS
- Police
- Roads/Transportation/Public Works

A Regional emergency declaration **does not** mean that the Region assumes responsibility for the municipality's emergency. The local municipality maintains overall responsibility for the incident.

6.3. PROVINCIAL EMERGENCY DECLARATIONS

The Premier may declare and terminate a provincial emergency, which allows the province to take action and make orders needed (that are not contrary to law). During a declared provincial emergency, the Premier may also:

- Direct and control a municipality's administration, facilities and equipment;
- Require any municipality to provide assistance and
- Designate a minister to exercise these powers.

In Ontario, there have only been three provincially declared emergencies, for SARS, the 2003 blackout and COVID-19.

6.3.1. REQUEST FOR MUNICIPAL SUPPORT

If the province declares a provincial emergency and requests municipal support:

- The municipality does not need to declare an emergency (unless they require special powers);
- The municipality should track associated expenses and contact OFMEM before making any large expenditures and
- Volunteers used for the purpose of a provincial emergency declaration are covered by the province for any WSIB claims.

7. SENIOR ELECTED OFFICIALS RESPONSIBILITIES

7.1. ESSENTIAL RESPONSIBILITIES

The Mayor (or Acting Mayor in the Mayor's absence) is responsible for:

- Serving as municipal spokesperson
 - In coordination with the activated IMT Commander (who leads the Emergency Operations Centre response)

Senior elected officials are responsible for:

- Ensuring continuity of government
 - Understanding impact of incident on municipality's day-to-day activities
- Activating specific legal authorities (emergency declarations)
- Coordinating with other senior officials
- Gathering relevant local information
- Sharing information with constituents

7.2. INCIDENT MANAGEMENT AND COORDINATION

The City of Mississauga uses the Incident Management System (IMS) to manage emergencies to direct the City's operational response to the incident. IMS provides standardized organizational structures, functions, processes and terminology for use at all levels of emergency response. IMS also addresses the need for coordinated responses to all types of incidents.

In Mississauga, we have multiple Incident Management Teams, which are led by designated Directors who act as IMT Commanders. The hazard type will dictate the most appropriate IMT to lead the City's operational response.

Throughout an emergency activation, the IMT Commander is in contact with the Policy Group, who gives strategic direction and authorizes large expenditures. The Policy Group is comprised of the City Manager, Commissioners, the City Solicitor and the Chief Building Official.

The IMT Commander is also responsible for providing updates to Mayor and Council.

7.3. LIABILITY

Implementation of an emergency management program may reduce a municipality's potential for liability.

7.3.1. PERSONAL LIABILITY EXEMPTIONS

Section 11(1) of the *EMPCA* outlines the personal liability exemptions as follows:

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, a minister of the Crown, a public servant or any other individual acting pursuant to this Act or an order made under this 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 this Act or an order under this Act or for neglect or default in the good faith exercise or performance of such a power or duty.

7.3.2. MUNICIPAL LIABILITY

Section 11(2) of the *EMCPA* **does not** relieve a municipality of liability for acts or omissions of a member of Council, or a municipal employee.

7.4. WSIB PROTECTION FOR VOLUNTEERS

When a municipality has declared an emergency, any volunteers working in support of the emergency are provided protection under WSIB in the event that they are injured. Therefore, the municipality may be liable for any costs associated with any WSIB claims made by volunteers.

OFMEM recommends that municipalities consult with their legal department and WSIB in developing their volunteer management programs.

8. DISASTER FINANCIAL ASSISTANCE

The Ministry of Municipal Affairs and Housing (MMAH) is responsible for the coordination of extraordinary provincial expenditures in relation to emergencies (as per Order-in-Council 1157/2009).

MMAH has two programs to assist with disaster financial assistance, the Municipal Disaster Recovery Assistance program and the Disaster Recovery Assistance for Ontarians program.

Both programs have the following common components:

- Apply to **sudden** and **unexpected natural disasters** with costly impacts
- Cover eligible essential, basic costs connected to disaster response and recovery.
- Delivered by the province

NOTE: The programs are not intended to replace insurance.

8.1. MUNICIPAL DISASTER RECOVERY ASSISTANCE

This program offers assistance for extraordinary operating and capital costs resulting from a natural disaster. For the purpose of this program, a disaster is defined as “sudden, unexpected, extraordinary, natural event that results in eligible municipal costs at least equal to three per cent of a municipality’s Own Purpose Taxation levy” (Ministry of Municipal Affairs and Housing, 2016).

The program is based on a sliding-scale, cost-sharing formula between affected municipalities and the province as follows:

Eligible disaster-related costs must be more than 3% of the municipality’s Own Purpose Taxation levy (OPT)

- **Costs up to 3%** of OPT
 - Province pays 75%, and the municipality pays 25%
- **Costs beyond 3%** of OPT
 - Province pays 95%, and the municipality pays 5%

8.1.1. ELIGIBLE AND INELIGIBLE COSTS

Eligible operating costs

- Costs incurred to protect public health and safety
- Costs incurred to ensure access to essential services

Eligible capital costs

- Costs to repair public infrastructure
- Costs to repair property to pre-disaster condition

Ineligible costs

- Costs covered by insurance
- Costs that would have been incurred if the disaster had not taken place (such as regular staff salary)

The province has published the *Municipal Disaster Recovery Assistance: Program Guidelines* document (Ministry of Municipal Affairs and Housing, 2016), which provides detailed guidance on how to submit a claim, and the overall process. Municipal Responsibilities

8.1.2. APPLICATION STEPS

When a municipal Council believes that the municipality has experienced a disaster that could be eligible under the program and wishes to apply, the municipality should self-assess its potential eligibility and have collected sufficient supporting documentation to demonstrate that costs meet or exceed three per cent of the municipal OPT.

Once a municipality decides to submit an MDRA application, the following steps should be completed within 120 days of the onset of the disaster:

1. Prepare the initial claim

- a. Must contain actual expenses, and as applicable, detailed estimates of future costs with relevant supporting documentation. MMAH may request additional information during the claims review process.

- i. Operating Costs

Many of the costs incurred and paid out in the first 120 calendar days will be operating costs that address immediate needs of the community.

- ii. Capital Costs

If the municipality has incurred and paid out capital costs within the first 120 calendar days, these can be claimed on the program claim forms.

2. Resolution of Council

The resolution should include:

- Date the natural event occurred
- Type of natural disaster for which the municipality is requesting assistance
- Name and position of the person who has delegated authority to verify and attest to the accuracy of the claim

3. Submit Resolution of Council, initial claim and supporting documentation

The request for assistance submission package must include:

- Supporting documentation for:
- Claim forms with a signed attestation from the person who has been delegated authority to submit the claim
- Resolution of Council requesting assistance under the program

NOTE: Municipalities are expected to cover all upfront costs associated with the natural disaster.

8.1.3. PROVINCIAL RESPONSIBILITIES

Upon receiving a municipal resolution of Council and initial claim, the MMAH Minister determines whether to activate the relevant program(s).

The time required to review the initial claim to determine the municipality's eligibility under the program will depend on:

- The magnitude and complexity of the natural disaster
- Clarity and completeness of the claim and supporting documentation

If the Minister of MMAH makes a decision to active the program, the province and municipality enter into a grant agreement.

NOTE: All payments under the grant agreement will be based on eligible costs incurred by the municipality.

8.2. DISASTER RECOVERY ASSISTANCE FOR ONTARIANS

The Disaster Recovery Assistance for Ontarians (DRAO) program is intended to assist the following groups affected by a natural disaster:

- Homeowners
- Residential tenants
- Small owner-operated businesses
- Farmers
- Not-for-profit organizations

NOTE: MMAH **may** activate the DRAO program following a natural disaster. A municipal request is not required.

9. REFERENCES

Emergency Management and Civil Protection Act, Revised Statutes of Ontario (1990, c.E.9). Retrieved from the Government of Ontario Consolidated e-Laws website at <https://www.ontario.ca/laws/statute/90e09>

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APPENDIX A: EMERGENCY DECLARATION FORM



City of Mississauga
300 City Centre Drive
MISSISSAUGA ON L5B 3C1
mississauga.ca

Declaration of Emergency

(I)(We) _____ hereby
(Mayor or Elected Head of Council)

declare an Emergency in accordance with the Emergency Management and Civil Protection Act, R.S.O. 1990, c.E.9, s.4. (1) due to the emergency described herein:

For the Emergency Area or part thereof described as:

Signed _____

Title _____

This _____ day of _____ 20__ at _____ AM/PM

In the City of Mississauga

Fax to Provincial Emergency Operations Centre Duty Officer @ 416-314-0474 when completed

APPENDIX B: EMERGENCY TERMINATION FORM



City of Mississauga
300 City Centre Drive
MISSISSAUGA ON L5B 3C1
mississauga.ca

Termination of Emergency

(I)(We) _____ hereby

(Mayor or Elected Head of Council)

declare that the emergency related to

(State the general description of the declared emergency)

is terminated in accordance with the Emergency Management and Civil Protection Act, R.S.O. 1990.

Signed _____

Title _____

This _____ **day of** _____ **20**___ **at** _____ **AM/PM**

In the City of Mississauga

Fax to Provincial Emergency Operations Centre Duty Officer @ 416-314-0474 when completed

APPENDIX C: CHECKLIST IN CONSIDERATION OF A DECLARATION OF EMERGENCY

(Note: All references in this document refer to the *Emergency Management and Civil Protection Act*, R.S.O. 1990, Chapter E.9, as amended 2006)



** This checklist is for use by municipal heads of council considering the declaration of an emergency within their municipality. This checklist is not intended to provide any sort of legal advice – it is merely a reference tool.*

An emergency is defined under the *Emergency Management and Civil Protection Act* as “a situation, or an impending situation 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 an act whether intentional or otherwise” [Section 1, definition of an emergency].

Under the *Emergency Management and Civil Protection Act*, only the head of council of a municipality (or his or her designate) and the Lieutenant Governor in Council or the Premier have the authority to declare an emergency. The Premier, the head of council, as well as a municipal council, have the authority to terminate an emergency declaration [Sections 4 (1), (2), (4)].

An emergency declaration may extend to all, or any part of the geographical area under the jurisdiction of the municipality [Section 4 (1)].

If the decision is made to declare an emergency, the municipality must notify Emergency Management Ontario (on behalf of the Minister of Community Safety and Correctional Services) as soon as possible [Section 4 (3)]. Although a verbal declaration of emergency is permitted, all declarations should ultimately be made in writing to ensure proper documentation is maintained. Written declarations should be made on municipal letterhead, using the template provided by Emergency Management Ontario, and should be faxed to (416) 314-0474. When declaring an emergency, please notify the Provincial Emergency Operations Centre at 1-866-314-0472.

When considering whether to declare an emergency, a positive response to one or more of the following criteria **may** indicate that a situation, whether actual or anticipated, warrants the declaration of an emergency:

General and Government:

- ❑ **Is the situation an extraordinary event requiring extraordinary measures?** [Section 4 (1) permits a head of council to “take such action and make such orders as he or she considers necessary and are not contrary to law” during an emergency.]
- ❑ **Does the situation pose a danger of major proportions to life or property?** [Section 1, definition of an emergency]
- ❑ **Does the situation pose a threat to the provision of essential services (e.g., energy, potable water, sewage treatment/containment, supply of goods or medical care)?** [Some situations may require extraordinary measures be taken or expenditures be made to maintain or restore essential services. A declaration of emergency may allow a head of council to expend funds outside of his or her spending resolutions and/or the regular approval process of the municipality.]
- ❑ **Does the situation threaten social order and the ability to govern?** [Whether due to a loss of infrastructure or social unrest (e.g., a riot), a crisis situation has the potential to threaten a council’s ability to govern. In such cases, extraordinary measures may need to be taken. Section 4 (1) provides for extraordinary measures, not contrary to law. Section 55 (1) of the *Police Services Act* provides for the creation of special policing arrangements during an emergency.]
- ❑ **Is the event attracting significant media and/or public interest?** [Experience demonstrates that the media and public often view the declaration of an emergency as a decisive action toward addressing a crisis. It must be made clear that an “emergency” is a legal declaration and does not indicate that the municipality has lost control. An emergency declaration provides an opportunity to highlight action being taken under your municipal emergency response plan.]
- ❑ **Has there been a declaration of emergency by another level of government?** [A declaration of emergency on the part of another level of government (e.g., lower-tier, upper-tier, provincial, federal) may indicate that you should declare an emergency within your municipality. For example, in the event of a widespread disaster affecting numerous lower-tier municipalities within a county, the county will likely need to enact its emergency response plan and should strongly consider the declaration of an emergency. In some cases, however, a declaration of emergency by a higher level of government may provide sufficient authorities to the lower-tier communities involved (e.g., municipalities operating under the authority of a provincial or federal declaration).]

Legal:

- ❑ **Might legal action be taken against municipal employees or councilors related to their actions during the current crisis?** [Section 11 (1) states that “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, a minister of the Crown, a Crown employee or any other individual acting pursuant to this Act or an order made under this 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 this Act or an order under this Act or for neglect or default in the good faith exercise or performance of such a power or duty.” Section 11 (3), however, states “subsection (1) does not relieve a municipality of liability for the acts or omissions of a member of council or an employee of the municipality....”]
- ❑ **Are volunteers assisting?** [The *Workplace Safety and Insurance Act* provides that persons who assist in connection with a declared emergency are considered “workers” under the Act and are eligible for benefits if they become injured or ill as a result of the assistance they are providing. This is in addition to workers already covered by the Act.]

Operational:

- ❑ **Does the situation require a response that exceeds, or threatens to exceed the capabilities of the municipality for either resources or deployment of personnel?** [Section 4 (1) permits the head of council 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.” Section 13 (3) empowers a municipal council 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.”]
- ❑ **Does the situation create sufficient strain on the municipal response capability that areas within the municipality may be impacted by a lack of services, thereby further endangering life and property outside areas directly affected by the current crisis?** [Some situations may require the creation of special response agreements between the municipality and other jurisdictions, private industry, non-government organizations, etc. Section 13 (3) states that the “council of a municipality may make an agreement with the council of any other municipality or with any person for the provision of personnel, service, equipment or material during an emergency.”]
- ❑ **Is it a consideration that the municipal response may be of such duration that additional personnel and resources may be required to maintain the continuity of operations?** [In the event of a large-scale crisis, such as an epidemic or prolonged natural disaster, municipal resources may not be able to sustain an increased operational tempo for more than a few days. This is particularly true if emergency workers are injured or become ill as a result of the crisis. In such a case, the municipality may need to utilize outside emergency response personnel. Section 13 (3) provides for mutual assistance agreements between municipalities.]
- ❑ **Does, or might, the situation require provincial support or resources?** [Provincial response (e.g., air quality monitoring, scientific advice, airlift capabilities, material resources, etc.) may involve numerous ministries and personnel. Activation of the municipal emergency response plan, including the opening of the Emergency Operations Centre and meeting of the Community Control Group, can greatly facilitate multi-agency and multi-government response.]
- ❑ **Does, or might, the situation require assistance from the federal government (e.g., military equipment)?** [Section 13 (2) authorizes the Solicitor General, with the approval of the Lieutenant Governor in Council, to make agreements with the federal government. In Canada, federal emergency assistance is accessed through, and coordinated by, the province. The declaration of an emergency may assist a municipality in obtaining federal assistance.]

- ❑ **Does the situation involve a structural collapse?** [Structural collapses involving the entrapment of persons *may* require the deployment of one or more Heavy Urban Search and Rescue (HUSAR) teams. Ontario has a HUSAR team. This team is specially equipped and trained to rescue persons trapped as a result of a structural collapse. Any municipality in the province can request a HUSAR deployment to a declared emergency. Requests for HUSAR resources should be made through your local mutual aid fire coordinator. Approval for the dispatch of the HUSAR team comes from the Commissioner of Emergency Management.]
- ❑ **Is the situation a large-scale or complex chemical, biological, radiological, or nuclear (CBRN) incident?** [Response to CBRN incidents requires specialized resources and training. Ontario is developing three CBRN teams to respond to incidents throughout the province. CBRN teams are only dispatched to declared emergencies. Requests for a CBRN deployment should be made through your local mutual aid fire coordinator. Approval for the dispatch of CBRN teams comes from the Commissioner of Emergency Management.]
- ❑ **Does the situation require, or have the potential to require the evacuation and/or shelter of people or animals [livestock] from your municipality?** [Evacuee and reception centres often use volunteers as staff. As noted above, the declaration of an emergency enacts certain parts of the *Workplace Insurance and Safety Act* related to volunteer workers. Secondly, an evacuation or sheltering of citizens has the potential to generate issues pertaining to liability. Section 11 of the *Emergency Management and Civil Protection Act* may provide municipal councilors and employees with certain protections against personal liability.]
- ❑ **Will your municipality be receiving evacuees from another community?** [The issues discussed in the previous bullet may apply equally to municipalities accepting evacuees.]

Economic and Financial:

- ❑ **Does the situation pose a large-scale disruption to routine patterns of transportation, or re-routing of large numbers of people and vehicles?** [The rerouting of people and vehicles poses a potential liability risk. Keeping persons from their homes and delaying commercial traffic are both sensitive issues. Section 11 of the Act may provide certain protection from liability. Section 4 (1) allows for extraordinary measures to be taken, providing they are not contrary to law.]
- ❑ **Is an event likely to have a long term negative impact on a community's economic viability/sustainability, including resulting unemployment, lack of available banking services and restorative measures necessary to re-establish commercial activity?** [The declaration of an emergency may facilitate the ability of the municipality to respond to economic losses.]
- ❑ **Is it possible that a specific person, corporation, or other party has caused the situation?** [Section 12 states that "where money is expended or cost is incurred by a municipality or the Crown in the implementation of an emergency plan or in connection with an emergency, the municipality or the Crown, as the case may be, has a right of action against any person who caused the emergency for the recovery of such money or cost...."]