

Emergency Management and Civil Protection Act Compliance Guide for Municipalities

2018

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Foreword

The *Emergency Management and Civil Protection Act* (EMCPA) and its supporting Regulation 380/04 (O Reg 380/04) provide a number of requirements for both ministries and municipalities. This guide provides municipalities with information to assist in meeting these requirements.

Each municipality in Ontario has an OFMEM Field Officer assigned to them who can provide advice and assistance, as required, by supporting the development or delivery of any of the components of the required emergency management program. These Field Officers are very well-versed in the requirements of the EMCPA and O Reg 380/04, as well as very well experienced in areas such as the development of municipal emergency response plans; the delivery of emergency management training; and the development and conduct of emergency management exercises, among other things. We encourage regular contact between the Field Officers and municipalities. Please do not hesitate to involve them in any of your activities, including program committee meetings, exercises, training and emergency management events.

If you require any support, or if you have any questions about the development of your emergency management programs at any time throughout the year, please feel free to contact your assigned Field Officer. They will be happy to assist however they can. If you are unsure who your Field Officer is, please contact AskOFMEM@Ontario.ca.

In addition to the information contained in this guide, the Office of the Fire Marshal and Emergency Management (OFMEM) has provided several tools to assist municipalities in the development and delivery of many of the required components of their emergency management programs. These tools can be found in the Emergency Management Portal which can be accessed by logging in to www.emergencymanagementontario.ca/login.aspx. If you cannot access this portal, please contact ASKOFMEM@ontario.ca.

This guide does not constitute legal advice. For legal clarification on any of the requirements contained herein, municipalities are encouraged to consult with their municipality's legal advisor for clarification.

1. Appointment of Emergency Management Program Coordinator

Every municipality is required to designate an Emergency Management Program Coordinator, otherwise referred to as a Community Emergency Management Coordinator (CEMC). This CEMC is also required to complete certain training within one year of designation as CEMC.

References

O Reg 380/04 states:

Emergency management program co-ordinator

10. (1) Every municipality shall designate an employee of the municipality or a member of the council as its emergency management program co-ordinator.

(2) The emergency management program co-ordinator shall complete the training that is required by the Chief, Emergency Management Ontario.

(3) The emergency management program co-ordinator shall co-ordinate the development and implementation of the municipality's emergency management program within the municipality and shall co-ordinate the municipality's emergency management program in so far as possible with the emergency management programs of other municipalities, of ministries of the Ontario government and of organizations outside government that are involved in emergency management.

(4) The emergency management program co-ordinator shall report to the municipality's emergency management program committee on his or her work under subsection (3).

Further, section 1 of the EMCPA defines "employee of a municipality" as:

"employee of a municipality" means an employee as defined in section 278 of the Municipal Act, 2001 or a designated employee as defined in section 217 of the City of Toronto Act, 2006, as the case may be; ("employé municipal").

The section of the Municipal Act, 2001, referenced above states:

278. (1) In sections 279, 280 and 282,

"employee" means any salaried officer, or any other person in the employ of the municipality or of a local board and includes,

(a) a member of the police force of the municipality,

(b) persons that provide their services on behalf of the municipality without remuneration, exclusive of reimbursement of expenses or honoraria, if council of the municipality has passed a by-law designating such persons or classes of persons as employees for the purposes of this section, and
(c) any other person or class of person designated as an employee by the Minister¹; (“employé”).

Similarly, the City of Toronto Act, 2006, states:

“designated employee” means any salaried officer, or any other person in the employ of the City or of a local board (extended definition) of the City and includes,

(a) a member of the city police force,
(b) persons that provide their services on behalf of the City without remuneration, exclusive of reimbursement of expenses or honoraria, if city council has passed a by-law designating such persons or classes of persons as designated employees for the purposes of this section, and
(c) any other person or class of persons designated as a designated employee by the Minister of Municipal Affairs and Housing; (“employé désigné”).

Regarding the CEMC training requirements, on 2018-02-06 the Fire Marshal and Chief, Emergency Management issued Guidance Note 2018-01-01 that stated:

Municipal emergency management program coordinators, as designated by their municipality under O Reg 380/04 s. 10 (1), will complete the following courses offered by the OFMEM, within one year of their appointment as emergency management program coordinator.

- *EM 200 – Basic Emergency Management*
- *EM 300 – Community Emergency Management Coordinator Course*
- *IMS 100 – Introduction to Incident Management System (available online)*
- *IMS 200 – Basic Incident Management System*

Emergency management program coordinators that have already completed this training will not be required to repeat it.

Interpretation and Verification Requirements

The EMPCA specifies that the CEMC be a member of Council, or an employee of the municipality as defined by the Municipal Act, 2001, or the City of Toronto Act, 2006, as referenced above. We have considered this definition in two particular circumstances:

¹ In this section Minister refers to the Minister of Municipal Affairs.

- Volunteers – As long as the municipality has either passed a by-law which designates the individual as a municipal employee, or have passed a by-law which designates a volunteer group (e.g. a Volunteer Fire Service) that the individual is a member of, as municipal employees, this individual can be appointed as the CEMC; and
- Consultants – As a consultant is not a municipal employee, a consultant may not be appointed as a CEMC.

To verify compliance with these requirements of the EMCPA, OFMEM requests that we be notified through the established mechanisms of the name, contact information and the date of appointment of your current CEMC. This notification is only necessary when your CEMC appointment changes.

2. Emergency Management Program Committee

Every municipality is required to have an Emergency Management Program Committee (EMPC), which is appointed by the Municipal Council. The purpose of this committee is to assist in the development and advise the Municipal Council on the development and implementation of the municipal emergency management program.

References

O Reg 380/04 states:

Emergency management program committee

11. (1) *Every municipality shall have an emergency management program committee.*

(2) *The committee shall be composed of,*

- (a) the municipality's emergency management program co-ordinator;*
- (b) a senior municipal official appointed by the council;*
- (c) such members of the council, as may be appointed by the council;*
- (d) such municipal employees who are responsible for emergency management functions, as may be appointed by the council; and*
- (e) such other persons as may be appointed by the council.*

(3) *The persons appointed under clause (2) (e) may only be,*

- (a) officials or employees of any level of government who are involved in emergency management;*
- (b) representatives of organizations outside government who are involved in emergency management; or*

- (c) persons representing industries that may be involved in emergency management.*
- (4) The council shall appoint one of the members of the committee to be the chair of the committee.*
- (5) The committee shall advise the council on the development and implementation of the municipality's emergency management program.*
- (6) 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.*

Interpretation and Verification Requirements

Although there are some specific requirements regarding the membership of the EMPC, there are a wide range of persons who may be appointed as a member of this committee. However, all members of the EMPC must be specifically appointed by the Municipal Council by name or position, except for the CEMC who is a mandatory member of the EMPC. It is not acceptable to simply list a representative of a particular organization (e.g. Fire Department rep). The appointment must specifically appoint someone either by name or position (e.g. Deputy Fire Chief).

Similarly, it is also a requirement that the Municipal Council directly appoint the Chair of the EMPC.

In order to verify municipal compliance with this requirement of the EMCPA, OFMEM requests a list of the EMPC membership, along with evidence that the members and the Chair have been appointed by Council.

When reviewing the EMPC membership, OFMEM will be specifically verifying that the membership includes the CEMC and another senior municipal official.

3. Hazard Identification and Risk Assessment (HIRA)

There is a requirement for all municipalities to identify and assess the hazards and risks to their municipality. That is to say that they must identify which hazards are present in the municipality, or outside of the municipality but may impact the municipality; what the likelihood of those hazards occurring; and to assess the potential impact to the municipality, including the municipality's infrastructure, if that hazard were to occur.

References

The EMCPA, Section 2.1(3) states:

Hazard and risk assessment and infrastructure identification

(3) In developing its emergency management program, every municipality shall identify and assess the various hazards and risks to public safety that could give rise to emergencies and identify the facilities and other elements of the infrastructure that are at risk of being affected by emergencies.

Interpretation and Verification Requirements

There are various methods which can be used in order to complete an effective HIRA.

Regardless of the method, the HIRA must answer the following questions:

- What hazards exist in my municipality, or outside of my municipality, that could result in an emergency in my municipality?
- How frequently do they occur?
- How severe can their impact be on the population at risk, infrastructure, property, and the environment?
- Which hazards pose the greatest threat to the municipality?

In 2012, OFMEM (then Emergency Management Ontario) produced a HIRA workbook, which is an effective tool which can be used to complete a municipal HIRA. A copy of this workbook is available at www.ontario.ca/emo.

In order to verify compliance with this requirement of the EMCPA, OFMEM requests that a copy of the result of the municipal HIRA be submitted and/or reviewed by the Field Officer and that the methodology used to complete the HIRA addresses the questions listed above.

4. Critical Infrastructure (CI) List

Every municipality is required to identify facilities and other infrastructure that is at risk of being impacted by emergencies.

References

The EMCPA, Section 2.1(3) states:

Hazard and risk assessment and infrastructure identification

(3) In developing its emergency management program, every municipality shall identify and assess the various hazards and risks to public safety that could give rise to emergencies and identify the facilities and other elements of the infrastructure that are at risk of being affected by emergencies.

Interpretation and Verification Requirements

Every municipality must identify the facilities and infrastructure which could be impacted by an emergency, which could have a serious impact on the residents of their municipality, the municipality's ability to deliver services, or on the local economy. The facilities and infrastructure identified in this list do not necessarily need to be owned or operated by the municipality, nor be located within the municipality.

In order to verify compliance with this requirement of the EMCPA, OFMEM requests that a copy of the municipal CI list be submitted and/or reviewed by the Field Officer.

5. Municipal Emergency Plan

Municipalities are required to develop an Emergency Plan governing the provision of necessary services during an emergency, as well detailing the procedures that are to be followed by the people who will respond to the emergency. Further, this plan must assign responsibilities to municipal employees, by position, to implement the plan; and it must include notification procedures for the Municipal Emergency Control Group (MECG) members. Once the plan is completed, the municipality must by by-law adopt the plan. It is required that OFMEM has a copy of the most current version of all Municipal Emergency Plans at all times. OFMEM maintains a repository of these plans at its headquarters in Toronto.

Additionally, it is required that the municipality conducts training and exercises with the persons who have been assigned responsibilities under the plan, to ensure that they are prepared to fulfil their responsibilities during an emergency.

References

The EMCPA, Section 3 states:

Municipal emergency plan

3. (1) Every municipality shall 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 the council of the municipality shall by by-law adopt the emergency plan.

Co-ordination by county

(3) The council of a county may with the consent of the councils of the municipalities situated within the county co-ordinate and assist in the formulation of their emergency plans under subsection (1).

Specific emergencies may be designated

(4) The Lieutenant Governor in Council may designate a municipality to address a specific type of emergency in its emergency plan and, if so required, the municipality shall include the type of emergency specified in its emergency plan.

Training and exercises

(5) Every municipality shall conduct training programs and exercises to ensure the readiness of employees of the municipality and other persons to act under the emergency plan.

Review of plan

(6) Every municipality shall review and, if necessary, revise its emergency plan every year.

Further, Section 5 states:

Conformity with upper-tier plan

5. The emergency plan of a lower-tier municipality in an upper-tier municipality, excluding a county, shall conform to the emergency plan of the upper-tier municipality and has no effect to the extent of any inconsistency and, for the purposes of this section, The Corporation of the County of Lambton shall be deemed to be an upper-tier municipality.

Further, Section 6.2 states:

Emergency plans submitted to Chief

6.2 (1) Every municipality, minister of the Crown and designated agency, board, commission and other branch of government shall submit a copy of their emergency plans and of any revisions to their emergency plans to the Chief, Emergency Management Ontario, and shall ensure that the

Chief, Emergency Management Ontario has, at any time, the most current version of their emergency plans.

Repository for emergency plans

(2) The Chief, Emergency Management Ontario shall keep in a secure place the most current version of every emergency plan submitted to him or her.

Further guidance on the required contents of a Municipal Emergency Plan is found in the EMCPA, Section 9:

What plan may provide

9. An emergency plan formulated under section 3, 6 or 8 shall,

(a) in the case of a municipality, authorize employees of the municipality or, in the case of a plan formulated under section 6 or 8, authorize public servants to take action under the emergency plan where an emergency exists but has not yet been declared to exist;

(b) specify procedures to be taken for the safety or evacuation of persons in an emergency area;

(c) in the case of a municipality, designate one or more members of council who may exercise the powers and perform the duties of the head of council under this Act or the emergency plan during the absence of the head of council or during his or her inability to act;

(d) 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;

(e) provide for obtaining and distributing materials, equipment and supplies during an emergency;

(e.1) provide for any other matter required by the standards for emergency plans set under section 14; and

(f) provide for such other matters as are considered necessary or advisable for the implementation of the emergency plan during an emergency.

O Reg 380/04, Section 15 provides the following additional requirements for the Plan:

Emergency response plan

15. (1) The emergency plan that a municipality is required to formulate under subsection 3 (1) of the Act shall consist of an emergency response plan.

(2) An emergency response plan shall,

(a) assign responsibilities to municipal employees, by position, respecting implementation of the emergency response plan; and

(b) set out the procedures for notifying the members of the municipal emergency control group of the emergency.

Interpretation and Verification Requirements

A municipal emergency plan has several specific required components that must be included. The purpose of these components is to ensure that a municipality is prepared to take swift and appropriate actions to protect the health and safety of their residents during times of emergency. A key activity which follows the approval of the emergency plan is to ensure that the persons who have responsibilities assigned in the plan have received training about those responsibilities, and have had an opportunity to practice in their roles through their participation in exercises. It is the responsibility of the municipality to ensure that their emergency plan meets the specific requirements of the EMCPA, and that appropriate training and exercises have taken place with the persons who have assigned responsibilities under the plan.

In order to verify compliance with the EMCPA regarding the municipal emergency plan, OFMEM requests the following:

- Verification that a copy of the most current version of the municipal emergency plan has been submitted to the Chief, Emergency Management Ontario;
- Verification that the plan contains the required components of:
 - Conformity with the plan of an upper-tier municipality (if applicable);
 - Authorizes municipal employees to take action under the emergency plan where an emergency exists, but has not yet been declared to exist;
 - Specifies procedures to be taken for the safety or evacuation of persons in an emergency area;
 - Designates one or more members of council to exercise the powers of the head of council in their absence;
 - Establishes committees and designates municipal employees to be responsible for reviewing the plan, training employees in their functions and implementing the plan during an emergency;
 - Provides for obtaining and distributing materials, equipment and supplies during an emergency;
 - Provides for other matters considered necessary or advisable for the implementations of the emergency plan;
 - Assigns responsibilities to municipal employees, by position, respecting the implementation of the emergency response plan; and

- Sets out procedures to notify the members of the municipal emergency control group about an emergency.
- A copy of the municipality's by-law which adopts the most current version of the municipal emergency plan. This may be the same by-law that adopts the municipality's emergency management program, or it may be a separate by-law.

6. Municipal Emergency Control Group (MECG)

Every municipality is required to have a MECG that is responsible for directing the municipal response during an emergency, including the implementation of the municipal emergency plan. Members of the MECG must be appointed by Council, and participate in annual training and an annual emergency exercise.

References

O Reg 380/04, Para 12 states:

Municipal emergency control group

12. (1) *Every municipality shall have a municipal emergency control group.*
- (2) *The emergency control group shall be composed of,*
 - (a) *such officials or employees of the municipality as may be appointed by the council;*
 - and*
 - (b) *such members of council as may be appointed by the council.*
- (3) *The members of the group shall complete the annual training that is required by the Chief, Emergency Management Ontario.*
- (4) *The group shall direct the municipality's response in an emergency, including the implementation of the municipality's emergency response plan.*
- (5) *The group shall develop procedures to govern its responsibilities in an emergency.*
- (6) *The group 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.*
- (7) *If determined necessary as a result of the evaluation under subsection (6), the group shall revise its procedures and shall make recommendations to the council for the revision of the municipality's emergency response plan.*
- (8) *The group may at any time seek the advice and assistance of the following:*
 1. *Officials or employees of any level of government who are involved in emergency management.*

- 2. Representatives of organizations outside government who are involved in emergency management.*
- 3. Persons representing industries that may be involved in emergency management.*

Regarding the MCEG training requirements, on 2018-02-06 the Fire Marshal and Chief, Emergency Management Ontario issued Guidance Note 2018-01-01 that stated:

In addition, all members of the MCEG, as designated under O Reg 380/04, s. 12, are required to annually demonstrate an adequate level of training in each of the following areas:

- Knowledge of all of the components of the municipal Emergency Management program, including, but not limited to the municipal HIRA and Critical Infrastructure list;*
- Knowledge of their municipality's Municipal Emergency Plan, including their roles and responsibilities, and those of organizations which may have a role in response;*
- Knowledge of the procedures used to activate and operate under the Municipal Emergency Plan;*
- Knowledge of the notification procedures used to notify members of the MCEG when the Municipal Emergency Plan is activated; and*
- Knowledge of the location, communications infrastructure and technology in their municipal Emergency Operations Centre.*

Interpretation and Verification Requirements

Every municipality must have a MCEG appointed, who is responsible to direct the municipal response during times of emergency. There are four key considerations regarding the MCEG:

- The members of the MCEG must be appointed by Council, and they must be municipal officials, municipal employees or members of Council. It should be noted that each member of the MCEG must be specifically appointed either by name or position. This includes persons who may be considered alternate members of the MCEG. It is not acceptable to simply list a representative of a particular organization. The appointment must specifically appoint someone either by name or position;
- There must be MCEG procedures developed which guide the MCEG in executing their responsibilities;
- All MCEG members, including those who may be considered alternate MCEG members, must verify that they have received an adequate amount of training in each of the following areas:

- Knowledge of all of the components of the municipal Emergency Management program, including, but not limited to the municipal HIRA and Critical Infrastructure list;
- Knowledge of their municipality's Municipal Emergency Plan, including their roles and responsibilities, and those of organizations which may have a role in response;
- Knowledge of the procedures used to activate and operate under the Municipal Emergency Plan;
- Knowledge of the notification procedures used to notify members of the MCEG when the Municipal Emergency Plan is activated; and
- Knowledge of the location, communications infrastructure and technology in their municipal Emergency Operations Centre.; and
- All MCEG members, including those who may be considered alternate MCEG members, must participate in an annual exercise, which evaluates the municipal emergency plan and MCEG procedures. There must be an exercise evaluation completed following the exercise, and if required, recommendations to amend the municipal emergency plan may be made to Council.
 - If a municipality has experienced an emergency or significant incident during the year, which meets the following criteria:
 - The duration of the emergency or incident was at least 48 hours;
 - The MCEG was convened and met at least three times;
 - The PEOC was notified of the incident at the time that it occurred;
 - The required response to the incident or emergency was outside of routine response procedures; and
 - An after-action review or debriefing was conducted, and written lessons learned report was generated from this review;

the municipality may apply for an exemption to the exercise requirement. It is strongly recommended that this application be made as early as possible, so that there is still time to conduct an exercise if this application is not successful. Please speak to your Field Officer for more information regarding this application process. Please note that any request for an exercise exemption must be received by September 1st of the current year in order to be considered.

Therefore, in order to verify compliance with the EMCPA regarding the MCEG, and its related activities, OFMEM requests the following:

- A list of the MCEG members, including evidence that the members of the MCEG were appointed by council;
- A copy of the MCEG procedures;

- Verification that all members of the MCEG have met the training requirements as detailed above; and
- A description of the exercise which includes:
 - The details of the exercise, including the date and type of exercise that was conducted;
 - The aim of the exercise;
 - A list of exercise participants; and
 - Any identified areas for improvement, including proposed corrective actions.

7. Emergency Operations Centre (EOC)

Every municipality in Ontario is required to establish an EOC to be used by the MCEG during emergencies. The EOC must have the appropriate technological and telecommunications infrastructure to allow for effective communication with the MCEG.

References

O Reg 380/04, Para 13 states:

Emergency operations centre

13. (1) Every municipality shall establish an emergency operations centre to be used by the municipal emergency control group in an emergency.

(2) The emergency operations centre must have appropriate technological and telecommunications systems to ensure effective communication in an emergency.

Interpretation and Verification Requirements

Every municipality must establish an EOC to be used by the MCEG during an emergency. The facility designated as the EOC does not need to be a dedicated facility, but it must be able to be immediately occupied by the MCEG during an emergency.

Regarding the technological and telecommunications systems, the specific needs will vary widely between different municipalities. However, universally the technological and telecommunications systems should address the following:

- Who does the MCEG need to communicate with?
- What means are most appropriate and efficient to communicate with these persons or groups?

- Telephone / Cell phone
- Fax
- Email
- Radio system
- In person
- Other
- How does the MCEG share information internally?
 - Telephone / Cell phone
 - Email
 - Dry-erase whiteboards / Flip charts
 - Projectors / LCD screens
 - Printed material
 - Other
- Are there redundancies in place in case of a failure of one or more technological or telecommunications systems?

Therefore, in order to verify compliance with the EMCPA regarding the municipal EOC, OFMEM requests that you confirm the location, including the address of the facility designated as your municipal EOC; and that you confirm that your EOC has appropriate technological and telecommunications systems to ensure effective communications in an emergency.

8. Emergency Information Officer (EIO)

Every municipality must designate an employee of the municipality as its EIO, who acts as the primary media and public contact for the municipality in an emergency.

References

O Reg 380/04, Para 14 states:

Emergency information officer

14. (1) Every municipality shall designate an employee of the municipality as its emergency information officer.

(2) The emergency information officer shall act as the primary media and public contact for the municipality in an emergency.

Interpretation and Verification Requirements

The designated EIO must be an employee of the municipality. It is the responsibility of the municipality to ensure that the designated EIO is an employee of the municipality, as defined in the Municipal Act, 2001 (refer to section 1 of this guide). The EIO cannot be a member of Municipal Council.

It should be noted that the municipal spokesperson and the EIO are not necessarily the same person. It is therefore acceptable for a member of Council to act as the municipal spokesperson, but not as the EIO. For clarification of the differences between these positions, please contact your Field Officer.

Therefore, in order to verify compliance with the EMCPA regarding the designation of a municipal EIO, OFMEM requests the name and contact information of the designated EIO.

9. Public Education

As a part of the municipal emergency management program, efforts must be made to increase awareness among the residents of the municipality about both the specific hazards that are present in the municipality, as well as about emergency preparedness in general.

References

The EMCPA, Section 2.1 states:

Municipal emergency management programs

2.1 (1) Every municipality shall develop and implement an emergency management program and the council of the municipality shall by by-law adopt the emergency management program.

Same

(2) The emergency management program shall consist of,

- (a) an emergency plan as required by section 3;*
- (b) 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 activities;*

(c) public education on risks to public safety and on public preparedness for emergencies; and
(d) any other element required by the standards for emergency management programs set under section 14. 2002, c. 14, s. 4.

Interpretation and Verification Requirements

As stated above, a municipal emergency management program must contain an element of general public education (e.g., information on an emergency preparedness kit). A municipal emergency management program must also contain an element of public education related to risks to public safety (for example, what to do before, during and after a flood or another risk in the HIRA). This public education may take many forms, including, but not limited to:

- Displays or presentations at public events;
- Distribution of flyers or other material through the mail;
- Public Service Announcements on local media;
- Advertisements in local newspapers; and/or
- Information posted on municipal and other websites.

Therefore, in order to validate municipal compliance with the EMCPA regarding public education, OFMEM requests a description of the public programs undertaken during the calendar year for general preparedness and specific hazards as indicated in the municipal HIRA. Specific hazard education may be targeted to populations at risk by the hazard. Not all hazards need to be done each year but should relate to the priorities established by the program committee..

10. Emergency Management Program Annual Review

As a part of their overall responsibilities, the EMPC is required to conduct an annual review of the municipality's emergency management program.

References

The EMCPA, Section 2.1 states:

Municipal emergency management programs

2.1 (1) Every municipality shall develop and implement an emergency management program and the council of the municipality shall by by-law adopt the emergency management program. 2002, c. 14, s. 4.

Same

(2) The emergency management program shall consist of,

- (a) an emergency plan as required by section 3;*
- (b) 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 activities;*
- (c) public education on risks to public safety and on public preparedness for emergencies; and*
- (d) any other element required by the standards for emergency management programs set under section 14. 2002, c. 14, s. 4.*

Hazard and risk assessment and infrastructure identification

(3) In developing its emergency management program, every municipality shall identify and assess the various hazards and risks to public safety that could give rise to emergencies and identify the facilities and other elements of the infrastructure that are at risk of being affected by emergencies.

Further, O Reg. 380/04, Para 11(6) states:

(6) 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.

Interpretation and Verification Requirements

Given that the EMCPA provides a specific definition of what a municipal emergency management program contains, and that O Reg 380/04 specifically states that the EMPC must conduct an annual review of the municipal EM program, we interpret that to say that this review must include all required components of the EM program, including:

- The municipal emergency plan;
- The training conducted by the municipality;
- The exercises conducted by the municipality;
- The public education program;
- The municipal HIRA; and
- The municipal CI list.

Therefore, in order to verify municipal compliance with the EMCPA requirement for an annual review of the municipal emergency management program by the EMPC, OFMEM requests verification that the above items were reviewed by the EMPC.

11. Emergency Management Program By-law

Every municipality is required to adopt their municipal emergency management program through a by-law.

References

The EMCPA, Section 2.1(1) states:

Municipal emergency management programs

2.1 (1) Every municipality shall develop and implement an emergency management program and the council of the municipality shall by by-law adopt the emergency management program.

Interpretation and Verification Requirements

Every municipality must have a by-law, passed by Council, which adopts their municipal emergency management program. This by-law may, through attached schedules, also confirm other requirements of Council, including:

- The adoption of the municipal emergency plan;
- The appointment of the Emergency Management Program Committee membership, including the Chair of the EMPC; and
- The appointment of the Municipal Emergency Control Group membership.

These requirements, however, may also be made through the passage of separate by-laws or Council resolutions, as appropriate.

Therefore, in order to verify municipal compliance with the EMCPA requirement for a by-law adopting the municipal emergency management program, OFMEM requests that a copy of the most current by-law, including any applicable schedules, be submitted to OFMEM.

2.1 (1) Every municipality shall develop and implement an emergency management program and the council of the municipality shall by by-law adopt the emergency management program. 2002, c. 14, s. 4.

Same

(2) The emergency management program shall consist of,

- (a) an emergency plan as required by section 3;
- (b) 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 activities;
- (c) public education on risks to public safety and on public preparedness for emergencies; and
- (d) any other element required by the standards for emergency management programs set under section 14. 2002, c. 14, s. 4.

Hazard and risk assessment and infrastructure identification

(3) In developing its emergency management program, every municipality shall identify and assess the various hazards and risks to public safety that could give rise to emergencies and identify the facilities and other elements of the infrastructure that are at risk of being affected by emergencies. 2002, c. 14, s. 4.

Confidentiality for defence reasons

(4) Subject to subsection (5), a head of an institution, as defined in the *Municipal Freedom of Information and Protection of Privacy Act*, may refuse under that Act to disclose a record if,

- (a) the record contains information required for the identification and assessment activities under subsection (3); and
- (b) its disclosure could reasonably be expected to prejudice the defence of Canada or of any foreign state allied or associated with Canada or be injurious to the detection, prevention or suppression of espionage, sabotage or terrorism. 2002, c. 14, s. 4.

Same

(5) A head of an institution, as defined in the *Municipal Freedom of Information and Protection of Privacy Act*, shall not disclose a record described in subsection (4),

- (a) if the institution is a municipality and the head of the institution is not the council of the municipality, without the prior approval of the council of the municipality;
- (b) if the institution is a board, commission or body of a municipality, without the prior approval of the council of the municipality or, if it is a

board, commission or body of two or more municipalities, without the prior approval of the councils of those municipalities. 2002, c. 14, s. 4.

Confidentiality of third party information

(6) A head of an institution, as defined in the *Municipal Freedom of Information and Protection of Privacy Act*, shall not, under that Act, disclose a record that,

- (a) contains information required for the identification and assessment activities under subsection (3); and
- (b) reveals a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence implicitly or explicitly. 2002, c. 14, s. 4.

Meetings closed to public

(7) The council of a municipality shall close to the public a meeting or part of a meeting if the subject matter being considered is the council's approval for the purpose of subsection (5). 2002, c. 14, s. 4.

Application of *Municipal Freedom of Information and Protection of Privacy Act*

(8) Nothing in this section affects a person's right of appeal under section 39 of the *Municipal Freedom of Information and Protection of Privacy Act* with respect to a record described in this section. 2002, c. 14, s. 4.

Municipal emergency plan

3. (1) Every municipality shall 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 the council of the municipality shall by by-law adopt the emergency plan. 2002, c. 14, s. 5 (1).

(2) REPEALED: 2002, c. 14, s. 5 (1).

Co-ordination by county

(3) The council of a county may with the consent of the councils of the municipalities situated within the county co-ordinate and assist in the formulation of their emergency plans under subsection (1). R.S.O. 1990, c. E.9, s. 3 (3).

Specific emergencies may be designated

(4) The Lieutenant Governor in Council may designate a municipality to address a specific type of emergency in its emergency plan and, if so required, the municipality shall include the type of emergency specified in its emergency plan. 2002, c. 14, s. 5 (2).

Training and exercises

(5) Every municipality shall conduct training programs and exercises to ensure the readiness of employees of the municipality and other persons to act under the emergency plan. 2002, c. 14, s. 5 (3).

Review of plan

[\(6\)](#) Every municipality shall review and, if necessary, revise its emergency plan every year. 2002, c. 14, s. 5 (3).

Declaration of emergency

[4.](#) [\(1\)](#) The head of council of a municipality may declare that an emergency exists in the municipality or in any part thereof and may take such action and make such orders as he or she considers necessary and are not contrary to law to implement the emergency plan of the municipality and to protect property and the health, safety and welfare of the inhabitants of the emergency area. R.S.O. 1990, c. E.9, s. 4 (1).

Declaration as to termination of emergency

[\(2\)](#) The head of council or the council of a municipality may at any time declare that an emergency has terminated. R.S.O. 1990, c. E.9, s. 4 (2).

Solicitor General to be notified

[\(3\)](#) The head of council shall ensure that the Solicitor General is notified forthwith of a declaration made under subsection (1) or (2). R.S.O. 1990, c. E.9, s. 4 (3).

Premier may declare emergency terminated

[\(4\)](#) The Premier of Ontario may at any time declare that an emergency has terminated. R.S.O. 1990, c. E.9, s. 4 (4).

Conformity with upper-tier plan

[5.](#) The emergency plan of a lower-tier municipality in an upper-tier municipality, excluding a county, shall conform to the emergency plan of the upper-tier municipality and has no effect to the extent of any inconsistency and, for the purposes of this section, The Corporation of the County of Lambton shall be deemed to be an upper-tier municipality. 2002, c. 17, Sched. C, s. 10 (3).

Part II – Municipal Standards

Emergency management program co-ordinator

10. (1) Every municipality shall designate an employee of the municipality or a member of the council as its emergency management program co-ordinator. O. Reg. 380/04, s. 10 (1).

(2) The emergency management program co-ordinator shall complete the training that is required by the Chief, Emergency Management Ontario. O. Reg. 380/04, s. 10 (2).

(3) The emergency management program co-ordinator shall co-ordinate the development and implementation of the municipality's emergency management program within the municipality and shall co-ordinate the municipality's emergency management program in so far as possible with the emergency management programs of other municipalities, of ministries of the Ontario government and of organizations outside government that are involved in emergency management. O. Reg. 380/04, s. 10 (3).

(4) The emergency management program co-ordinator shall report to the municipality's emergency management program committee on his or her work under subsection (3). O. Reg. 380/04, s. 10 (4).

Emergency management program committee

11. (1) Every municipality shall have an emergency management program committee. O. Reg. 380/04, s. 11 (1).

(2) The committee shall be composed of,

(a) the municipality's emergency management program co-ordinator;

(b) a senior municipal official appointed by the council;

(c) such members of the council, as may be appointed by the council;

(d) such municipal employees who are responsible for emergency management functions, as may be appointed by the council; and

(e) such other persons as may be appointed by the council. O. Reg. 380/04, s. 11 (2).

(3) The persons appointed under clause (2) (e) may only be,

(a) officials or employees of any level of government who are involved in emergency management;

(b) representatives of organizations outside government who are involved in emergency management; or

(c) persons representing industries that may be involved in emergency management. O. Reg. 380/04, s. 11 (3).

(4) The council shall appoint one of the members of the committee to be the chair of the committee. O. Reg. 380/04, s. 11 (4).

(5) 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).

(6) 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).

Municipal emergency control group

12. (1) Every municipality shall have a municipal emergency control group. O. Reg. 380/04, s. 12 (1).

(2) The emergency control group shall be composed of,

(a) such officials or employees of the municipality as may be appointed by the council; and

(b) such members of council as may be appointed by the council. O. Reg. 380/04, s. 12 (2).

(3) The members of the group shall complete the annual training that is required by the Chief, Emergency Management Ontario. O. Reg. 380/04, s. 12 (3).

(4) The group 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).

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

(6) The group 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).

(7) If determined necessary as a result of the evaluation under subsection (6), 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).

(8) The group may at any time seek the advice and assistance of the following:

1. Officials or employees of any level of government who are involved in emergency management.

2. Representatives of organizations outside government who are involved in emergency management.

3. Persons representing industries that may be involved in emergency management. O. Reg. 380/04, s. 12 (8).

Emergency operations centre

13. (1) Every municipality shall establish an emergency operations centre to be used by the municipal emergency control group in an emergency. O. Reg. 380/04, s. 13 (1).

(2) The emergency operations centre must have appropriate technological and telecommunications systems to ensure effective communication in an emergency. O. Reg. 380/04, s. 13 (2).

Emergency information officer

14. (1) Every municipality shall designate an employee of the municipality as its emergency information officer. O. Reg. 380/04, s. 14 (1).

(2) The emergency information officer shall act as the primary media and public contact for the municipality in an emergency. O. Reg. 380/04, s. 14 (2).

Emergency response plan

15. (1) The emergency plan that a municipality is required to formulate under subsection 3 (1) of the Act shall consist of an emergency response plan. O. Reg. 380/04, s. 15 (1).

(2) An emergency response plan shall,

(a) assign responsibilities to municipal employees, by position, respecting implementation of the emergency response plan; and

(b) set out the procedures for notifying the members of the municipal emergency control group of the emergency. O. Reg. 380/04, s. 15 (2).

Emergency plans submitted to Chief

6.2 (1) Every municipality, minister of the Crown and designated agency, board, commission and other branch of government shall submit a copy of their emergency plans and of any revisions to their emergency plans to the Chief, Emergency Management Ontario, and shall ensure that the Chief, Emergency Management Ontario has, at any time, the most current version of their emergency plans. 2002, c. 14, s. 10.

Declaration of emergency

7.0.1 (1) Subject to subsection (3), the Lieutenant Governor in Council or the Premier, if in the Premier's opinion the urgency of the situation requires

that an order be made immediately, may by order declare that an emergency exists

Powers of Premier, municipal powers

[\(2\)](#) If an order is made under section 7.0.1 and the emergency area or any part of it is within the jurisdiction of a municipality, the Premier, where he or she considers it necessary, may by order made under this section,

- (a) direct and control the administration, facilities and equipment of the municipality in the emergency area, and, without restricting the generality of the foregoing, the exercise by the municipality of its powers and duties in the emergency area, whether under an emergency plan or otherwise, is subject to the direction and control of the Premier; and
- (b) require any municipality to provide such assistance as he or she considers necessary to an emergency area or any part of the emergency area that is not within the jurisdiction of the municipality and direct and control the provision of such assistance. 2006, c. 13, s. 1 (4).

By-law not necessary

[\(3\)](#) Despite subsection 5 (3) of the *Municipal Act, 2001*, a municipality is authorized to exercise a municipal power in response to an order of the Premier or his or her delegate made under subsection (2) without a by-law. 2006, c. 13, s. 1 (4).

Public access to plans

[10.](#) Except for plans respecting continuity of operations or services, an emergency plan formulated under section 3, 6 or 8 shall be made available to the public for inspection and copying during ordinary business hours at an office of the municipality, ministry or branch of government, as the case may be. R.S.O. 1990, c. E.9, s. 10; 2009, c. 33, Sched. 9, s. 4.

Protection from action

[11. \(1\)](#) 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. 2006, c. 13, s. 1 (6); 2006, c. 35, Sched. C, s. 32 (6).

Crown not relieved of liability

[\(3\)](#) 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 referred to in subsection (1), and the municipality is liable as if subsection (1) had not been enacted and, in the case of a member of council, as if the member were an employee of the municipality. 2006, c. 13, s. 1 (6).

Right of action

[12.](#) [\(1\)](#) 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, and for the purposes of this section, "municipality" includes a local board of a municipality and a local services board. R.S.O. 1990, c. E.9, s. 12; 1999, c. 12, Sched. P, s. 8.

Agreements

[13.](#) [\(1\)](#) The Solicitor General, with the approval of the Lieutenant Governor in Council, may make agreements with the Crown in right of Canada in respect of the payment by Canada to Ontario of any part of the cost to Ontario and to municipalities of the development and implementation of emergency management programs and the formulation and implementation of emergency plans. R.S.O. 1990, c. E.9, s. 13 (1); 2002, c. 14, s. 15.

Idem

[\(3\)](#) The council of a municipality may 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. R.S.O. 1990, c. E.9, s. 13 (3); 1999, c. 12, Sched. P, s. 9.

Compensation for municipalities

[\(4\)](#) Without limiting the generality of subsection (2), the Lieutenant Governor in Council may by order authorize the payment of the costs incurred by a municipality in respect of an order made under this Act out of funds appropriated by the Assembly. 2006, c. 13, s. 1 (7).