

By-Law 046-2019 Declaration of Emergency Criteria and Summary of Service Redesign Decisions

Declaration of Emergency – Guidance Criteria (excerpt from Emergency and Continuity Management Program (By-Law 046-2019) – Annex 3)

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. All considerations when declaring the municipal state of emergency under the COVID19 Pandemic are highlighted blue and listed below. Additional criteria considered that the City of Burlington did not meet at the time of declaration is included for information purposes.

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, and 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 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.]* ***In this scenario, it is anticipated that the Corporate Continuity of Governance and Operations Plan (COGOP) be activated.**

■ 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 Emergency 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 has three Level 3 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 centers 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....”]

Summary of Service Redesign Decisions

The Service Re-Design Strategy outlined the Governance and Decision-Making related to service re-design interim modifications and resumptions as described:

Governance and Decision-Making

The extent of the re-design in service delivery will direct the decision-making process and ultimately, where the decision is made. The following are guidelines for decisions.

Committee/Council	Burlington Leadership Team/ECG/ Service Leads
<ul style="list-style-type: none"> • Service Level impacts (each stage) <ul style="list-style-type: none"> – Increase and/or decrease of service levels – longer-term – Commission and/or decommission of services • Financial Impacts <ul style="list-style-type: none"> – 2020 operating and capital budget implications • Corporate policy impacts • Community Impacts • Reputation and other risks 	<ul style="list-style-type: none"> • Tactical and operational impacts on City services delivered within the limits of Council approved service levels and budgets; • Human resource deployment • Health & safety issues • Immediate operational response related to COVID-19 and other emergencies (e.g. weather events)
<p>How: Approval of Council based on separate motion tied to specific criteria (as indicated above) for <u>service program changes</u>.</p>	<p>How: Endorsement of Council of <u>service modifications</u> decisions made by staff.</p>

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Under this governance and decision-making, Council has approved:

Service or Sub-Service	Report and Appendix	Total Impact
Summer 2020 Rec Programming	CM-13-20 App A	\$ 518,450
Tyandaga Golf	CM-13-20 App B	\$ 247,449
POA Courthouse	CM-13-20 App C	\$ -
Park Operations Phase 1	CM-13-20 App C	\$ -
Community Gardens	CM-13-20 App C	\$ -
Updated Parks Operations	CM-14-20 App A	\$ 350,000
Organized Sport Support	CM-14-20 App A	\$ 25,000
Arenas - Ice and Floor	CM-16-20 App A	\$ 32,000
Aquatics - Splash Pads, Beach, Outdoor Pools, Indoor Pools	CM-16-20 App B	\$ 643,000
Summer Youth Programming - Day camps, Student Theatre, Band	CM-16-20 App C	\$ 136,169
Sportsfields - Rec Services	CM-16-20 App D	\$ -
Library	CM-16-20 App E	\$ -
Parks Operations - RPF	CM-17-20 App A	\$ 865,000
Adult - Older Adult Recreation	CM-18-20 App A	\$ 62,000
Festivals and Events	CM-18-20 App B	\$ -
Park Ambassadors - Recreation Services	CM-18-20 App C	\$ 29,100
Burlington Public Library	CM-18-20 App D	\$ -
Art Gallery of Burlington	CM-18-20 App E	\$ -
BPAC	CM-18-20 App F	\$ -
LaSalle Marina	RS-06-20	\$ 2,600
Lowville Park	MO-06-20	\$ 49,700
Reinstatement of Parking August 4th	CM-23-20 App A	\$ (210,000)
Reinstatement of Transit Fare Collection Sept 1st	CM-21-20 App A	\$ -
Leaf Pick-up (option 3)	RPF-26-20	\$ (40,500)
Recreation & Community Facilities and Use	CM-20-20 App A	\$ 1,220,000
Indoor Pools	CM-20-20 App B	\$ 320,000
HCS & City Hall	CM-20-20 App C	\$ 48,000
Tourism Burlington	CM-20-20 App D	\$ -
Museums	CM-20-20 App E	\$ -
Art Gallery of Burlington	CM-20-20 App F	\$ -
Burlington Public Library	CM-20-20 App G	\$ -
Small business program	BEDC-05-20	\$ 250,000
Loose leaf collection changes	RPF-26-20	\$ (40,500)
Recreation Facility Rental fee reduction	Additional recommendation CM-20-20 App A	\$ 160,000
Increase Recreation fee assistance	Additional recommendation CM-20-20 App A	\$ 25,000
Transit Bus Cleaning Pilot	TR-07-20	\$ 248,180
Total		\$ 4,940,648