



SUBJECT: COVID State of Emergency

TO: Mayor and Members of Council

FROM: City Manager's Office

Report Number: CM-13-22

Wards Affected: All

File Numbers: 155-03-01

Date to Committee: March 22, 2022

Date to Council: March 22, 2022

Recommendation:

Approve the recommendation to terminate the City of Burlington's state of emergency effective immediately.

PURPOSE:

This report provides the background, current information and situation status to Council to aid in their decision-making regarding the current state of emergency.

Background and Discussion:

Start of the COVID-19 pandemic

Province of Ontario

"On March 17, 2020, based on the advice of Ontario's Chief Medical Officer of Health and other leading public health officials, the Ontario government declared a provincial emergency under s. 7.0.1 (1) of the *Emergency Management and Civil Protection Act* (EMCPA). In doing so, Ontario was able to implement and enforce the necessary emergency orders to protect the health and safety of individuals, families and

communities from the threat of the COVID-19 virus.”¹. These protective measures included closing facilities and order members of the public to stay at home among other measures.

Throughout the ensuing months, up to and including March 2022, the Provincial Government “created orders under s. 7.0.2 and 7.1 of the EMCPA and amended them in consultation with, or based on the advice of, the Chief Medical Officer of Health, the Health Command Table and/or other health experts, based on data, evidence and need.”²

On April 27, 2020, the Province released *A Framework for Reopening our Province* outlining the criteria the Chief Medical Officer of Health and other health experts to be used to advise the government on loosening of public health measures as necessary. The framework also established guiding principles, such as a stage-by-stage approach for the safe, gradual reopening of places of business, services and public spaces that had been required to close or limit their services.

The *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020* (ROA) was proclaimed into force on July 24, 2020, ending the declared provincial emergency. The ROA enabled emergency orders, made under the EMCPA, to continue under the ROA and provided the Provincial government with flexibility to address the ongoing risks and effects of COVID-19.

City of Burlington

On March 21, 2020, the Mayor declared a state of emergency for Burlington as it worked through the provincial orders in closing City facilities, enabling staff to work from home, redeploying staff as necessary, and continuing to provide essential services to our community. The EMCPA [Sections 4 (1), (2), (4)] provides for the head of council of a municipality (or his or her designate) to declare a state of emergency. While the City had already activated its emergency control group, this declaration heightened the community’s awareness of the severity of the onset and rapid progression of COVID-19.

¹ cited from [Report on Ontario's Provincial Emergency from March 17, 2020 to July 24, 2020](#).

² Ibid.

On April 20, 2020, Council received the City's COVID-19 Emergency Response Strategy and the High-level financial impacts (CM-03-20). This strategy maintained the City's focus on the overall goal to continue to protect the health and safety of our community and staff and do our part to limit the spread of COVID-19. It defined the City's resource needs over the next 3-month operating period to deal with the affects and impacts of the virus on our community and staff. Essentially, it established the scope of work for continued support of:

- the delivery of essential services,
- the City's emergency operations center,
- our work from home program,
- our flexible workforce for redeployment of resources to assist in other essential areas.

Throughout the spring of 2020, work continued albeit under different conditions given the significant changes the City made to operations to keep the public and employees safe. These changes included the closure of City facilities and park amenities, cancellation of events, and modifications to service delivery in areas such as transit, operations and by-law enforcement.

On May 14, 2020, Council received the City's Service Re-design Strategy (CM-12-20) in anticipation of the Province of Ontario initiating and implementing its staged re-opening. This strategy provided the framework to re-design City services to comply with the provincial and public health guidance and harness the innovative and creative ways staff delivered services since the declaration of the state of emergency. It also defined the governance and decision making guidelines providing greater clarity of responsibility between those decisions made by Council and those decisions made by Burlington Leadership Team/Emergency Control Group/Service Lead. Refer Appendix A for details of the guidelines.

Throughout the remainder of 2020, the entire year of 2021 and into 2022, Council received 24 verbal updates and, through over 40 reports, approved or endorsed decisions involving COVID-19 relief for residents and businesses to service re-design.

In September 2020, City of Burlington Council approved Annex 8 to the City of Burlington's Emergency and Continuity Management Program (By-law 046-2019 as amended 076-2020). This amendment established 8 criteria to assist the Mayor/Council in determining if/when an existing state of emergency should be terminated. Of these criteria, two are excluded from pandemic situations; specifically, #2 and #8. Refer to Appendix B for details of the criteria.

Within the City's procedure by-law (31-2021), "a Special Meeting of Council may be held, without notice, to deal with a situation of emergency, disaster or crisis as defined in the City of Burlington Emergency and Continuity Management Program By-law 46-2019, as amended or replaced from time to time, provided that an attempt has been made to reach the members by telephone and/or e-mail at their respective residence and/or place of business. No business except business dealing directly with the emergency, disaster or crisis will be transacted at that meeting." While there were special council meetings conducted during this state of emergency, this specific provision was used once. On Saturday, April 17, 2021, City of Burlington council convened its meeting without notice.

Region of Halton and Municipalities

Subsequent to Burlington's declaration, the Regional Chair for Halton Region declared a state of emergency on March 23, 2020, and the mayors of the Halton municipalities of Halton Hills, Oakville and Milton declared their states of emergency on March 24, 2020.

Current State

Province of Ontario

Effective January 31, 2022, Ontario began the process of gradually easing restrictions under their Roadmap to Reopen with future milestones established for dates in February and March 2022. With these milestones, the majority of public health and workplace safety measures are now lifted.

The Province has indicated its Reopening Ontario Act (ROA) is to expire on March 28, 2022, with a final extension of ROA emergency order for 30 days. It is expected by April 27, 2022 all remaining provincial measures, directives and orders will end; meaning masking requirements will be removed in all remaining settings, any remaining emergency orders under ROA will expire, and Directives 1, 2.1, 3,4 and 5 will be revoked. Essentially, the Province is moving away from emergency measures to ongoing operations and moving away from reliance on mandatory requirements.

City of Burlington

Since July 2021, there has been a noticeable decrease in the need for COVID-19 service re-design decisions made by the Burlington Leadership Team/Emergency Control Group/Service Leads and COVID-19 pandemic related recommendations requiring Council's decision. This decrease is, in part, the result of adaptation and changes made early in the pandemic to ensure the continued delivery of essential services. It is also, in part, the result of the ability of staff to quickly adapt to the changing environment (i.e. closures and re-openings, changing public health measures,

etc.) given the experience gained throughout the last 2 years. In addition, as provincial easing of measures was announced, the City has aligned and adjusted its service and programming. While not achieving full parity with pre-pandemic levels in specific services (e.g. transit, recreational programming, council/committee meetings, etc.), the City is seeing public uptake in City services as the province and the community emerges into a new reality.

Since January 2022, staff have been monitoring and reporting to Council (through the COVID verbal update) on the criteria established to aid in the decision to terminate the state of emergency.

Region of Halton Municipalities

As of March 14, 2022, Halton Hills remains under declared states of emergency. The Region of Halton and Oakville terminated their states of emergency on March 11, 2022 and Milton terminated its state of emergency on March 14, 2022.

Strategy/process

Throughout the last 24 months, Burlington's City Council continued to be responsible for overall governance of the City and strategic decisions. Emergency-related and time-sensitive decisions required on a daily, and sometimes hourly basis, and related primarily to operational issues were managed by the City's Emergency Control Group and/or the Burlington Leadership Team, in keeping with the governance and decision-making guidelines.

Up to now, monthly monitoring of the criteria established to aid in the decision to terminate the state of emergency has resulted in maintaining the state of emergency. With recent provincial and Halton Region and Oakville announcements, the City's criteria are assessed as follows:

1. The epidemiological link between contact tracing and the rate of community spread % is **steadily declining** over a sustained period of 14 days. Source of information: Halton Region Dashboard Trends – Moving Weekly Incidence Rate per 100,000; New cases 7-day average; New cases reached within one day (a sign of contact management keeping up with new cases)

The answer to this question has become "not applicable". While this criterion was relevant in the early to mid-stages of the pandemic, when the Province changed the PCR testing requirements and amended the requirements for Public Health for contact tracing, the relevance of this criterion has been significantly

reduced, if not made not applicable as the data to support this criterion is not readily tracked or available.

2. Has the Region and/or neighboring lower tier and upper tier municipalities **terminated declaration** of emergency? Source of information: Provincial Emergency Operations Centre (PEOC) - Daily Consolidated Situation Report (DCSR) – Annex I for Region of Halton municipalities

The answer to this question is “Yes”. Halton Region and Oakville terminated their states of emergency on March 11, 2022 and Milton terminated theirs on March 14, 2022. The City of Burlington is aware that Halton Hills is also considering their state of emergency. However, at the time of this report’s writing, the occurrence and/or timing of the discussion is not confirmed.

3. Have other like municipalities **terminated declaration** of emergency? Source of information: PEOC-DCSR – Annex I

The answer to this question is “yes”. As of March 10, 2022, there are 143 municipalities under declared states of emergency. For context, there are 444 municipalities in Ontario and in May 2020, 247 municipalities had declared states of emergency. In the surrounding area, it is understood municipalities, like Toronto, Mississauga, are having the same discussion as Burlington – is it the time to terminate states of emergency? In Guelph and Barrie, this decision has been made and their states of emergency were terminated this year on March 1st and 7th respectively.

4. Does the decision to terminate the declaration **directly impact temporary by-laws** in place to protect community and staff? Source of information: Mask By-law 062-2020 as amended and Physical Distancing By-law 017-2020 as amended

The answer to this question is “no”. The City’s mask and physical distancing by-law were not tied directly with the state of emergency; that is, these by-laws came into effect during the emergency to support the provincial public health measures. Even so, Council received a report at its March 22 Council meeting recommending the immediate repeal of these by-laws to align with the Province.

5. Do **services remain altered/suspended**? Source: City’s Service re-design reports

The answer to this question is a “qualified yes”. With respect to altered and suspended services, throughout this pandemic our staff have continued to deliver

services. The majority of our public-facing essential services, like Transit, Fire, Service Burlington and By-law, continued to deliver services to their pre-pandemic service levels and adjusted delivery with enhanced health and safety protocols necessary to protect community and staff. Other services, like Council/Committee, Financial Management, Human Resources, Community Design and Development moved to forms of virtual and hybrid delivery. While the City has adopted a hybrid workforce model supporting staff continuing to work virtually or in-person (as their job responsibilities permit), as an employer, the City is operating under enhanced health and safety measures due to the pandemic. These enhanced measures have an impact on when some services may be able to return to in-person delivery.

Council received a report at its March 22 Council meeting recommending the implementation of a hybrid model for council and committee meetings. This model allows for councillors and the public to participate and engage with the City in-person and virtually as a matter of personal choice. With the implementation of this model, and the City's hybrid workforce model, in this new reality, services are being successfully provided and therefore the answer to this question is "no" – the City is open, operating and providing services.

6. Is there **affirmation of urgency**? Refer to Ontario Ministry of Health and Region Public Health for Guidance. Source: Regional Medical Officer of Health Advisement

The answer to this question is "no". The March 9, 2022 announcement by Ontario's Chief Medical Officer stated "With the peak of Omicron behind us, Ontario has been able to cautiously and gradually move through its reopening milestones. The majority of public health and workplace safety measures have now been lifted, and key public health indicators continue to improve or remain stable. As we continue on this path, we are able to take a more balanced and long-term approach to Ontario's pandemic response."³

Therefore, it is recommended Council terminate the City's state of emergency effective immediately. Notwithstanding this termination, the City of Burlington will continue to

³ <https://news.ontario.ca/en/statement/1001732/statement-from-ontarios-chief-medical-officer-of-health>

utilize its governance and decision making guidelines developed through our service redesign strategy as these transcend an emergency to provide direction to staff and Council.

As with any decision, there are advantages and disadvantages for terminating the state of emergency.

Advantages of Terminating	Disadvantages of Terminating
Symbolic in its timing as we approach a significant milestone of 24 months in a hyper-state of public health and safety vigilance and creates a path forward to a new reality	May have negative impact on our reputation as it may be interpreted we are diminishing our commitment to protect health & safety of community and staff and limit spread of COVID
Sends a positive message to the community that the City of Burlington sees the public health and safety measures have worked and continue to work to minimize the impact of COVID-19	
Demonstrates Burlington is in alignment with the province and other municipalities in moving away from emergency measures	

Options Considered

The other option considered is to maintain the City's state of emergency and continue to monitor the environment.

This option is not recommended as the disadvantages outweigh the advantages.

Advantages of Maintaining	Disadvantages of Maintaining
May have positive impact on our reputation as it may be interpreted we are continuing with our commitment to protect health & safety of community and staff and limit spread of COVID	May create and/or perpetuate a sense of fear within the community and staff as it may be interpreted that Burlington does not believe the threat of COVID-19 can be managed within the community or province.
	Demonstrates Burlington is not in alignment with the province and other municipalities in moving away from emergency measures
	May create confusion in messaging from the Province regarding the ability of our community and the Province being able

Advantages of Maintaining	Disadvantages of Maintaining
	to take a more balanced and long-term approach to Ontario's pandemic response

Financial Matters:

There are no financial impacts of terminating the state of emergency.

Total Financial Impact

Not applicable

Source of Funding

Not applicable

Other Resource Impacts

Not applicable

Climate Implications

Not applicable.

Engagement Matters:

A work team of representative services and areas across the organization were involved in the discussions including Customer Experience; Health, Safety & Wellness; Recreation, Community & Culture; Halton Court Services; Corporate Communications & Public Engagement, Building and By-law, and Emergency Management. In addition, the Burlington Leadership Team and the Emergency Control Group provided input into the recommendation.

Conclusion:

Declaring a state of emergency enables leaders to take actions or make orders considered necessary, and not contrary to the law, and implement an emergency response plan. In Burlington, this declaration brought focus to the seriousness of the COVID-19 pandemic and provided Council with the ability to make the necessary

decisions to support our goal of continuing to protect the health and safety of our community and staff and do our part to limit the spread of COVID-19.

As a world, a province and a community, we have evolved as a society in managing our health and safety. Our new normal includes having a heightened state of awareness of illness and its effects; yet more importantly, we know the steps we each need to take, individually and collectively, to maintain our vigilance. With this new reality coming into play, operating in a state of emergency and managing in crisis mode are no longer needed. Now is the time to terminate the City of Burlington's state of emergency.

Respectfully submitted,

Sheila M. Jones
Executive Director, Strategy, Risk & Accountability
905-335-7600 ext. 7872

Appendices:

- A. CM-13-22 Appendix A – City of Burlington Governance & Decision Making Guidelines
- B. CM-13-22 Appendix B - Monitoring Termination of Declaration of Emergency Criteria

Report Approval:

All reports are reviewed and/or approved by Department Director, the Chief Financial Officer and the Executive Director of Legal Services & Corporation Counsel.