The Corporation of the Township of North Kawartha

By-Law # 2015 - 146

Being a by-Law of the Corporation of the Township of North Kawartha to set Terms of Reference for the Emergency Management Program Committee.

Whereas the Municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the Municipal Act, 2001, S.O. 2001, c. 25, Section 9;

And Whereas a municipal power, including a municipality's capacity, rights, powers and privileges under section 9, shall be exercised by by-law under the Municipal Act, 2001, S.O. 2001, c. 25, Section 5 (3);

And Whereas, O. Reg. 380/04, under the Emergency Management and Civil Protection Act, R.S.O. 1990, c. E.9, Part II, Section 11 (1-2) provides that every municipality shall have an emergency management program committee and the committee shall be composed of, the municipality's emergency management program co-ordinator; a senior municipal official appointed by the council; such members of the council, as may be appointed by the council; such municipal employees who are responsible for emergency management functions, as may be appointed by the council; and such other persons as may be appointed by the council;

And Whereas, the Council of the Township of North Kawartha passed motion #15-23 on the 20th day of January, 2015 regarding appointments to the Emergency Management Program Committee as follows:

"That Council appoints the Chief Administrative Officer (CEMC), Mayor, Deputy Mayor, Deputy Clerk, Director of Parks and Recreation, Fire Chief and Road Supervisor or their designates to the Emergency Management Program Committee for a term to coincide with the four year term of Council and further that the Mayor or his designate be appointed as Chair."

Now Therefore the Council of the Corporation of the Township of North Kawartha hereby enact as follows:

1. That Council ratifies and confirms the establishment of an Emergency Management Program Committee for the Township of North Kawartha.

2. That Council ratifies and confirms that the Mayor and Deputy Mayor be appointed as the elected members to the Emergency Management Program Committee for the remainder of the current term of Council.

3. That Council ratifies and confirms that Chief Administrative Officer, Deputy Clerk / Assistant to CAO (CEMC), Director of Parks and Recreation, Fire Chief and Road Supervisor or their designates be appointed as staff members to the Emergency Management Program Committee for the remainder of the current term of Council.

4. That this is an internal committee and further that there are no public members.

5. That the Terms of Reference for the North Kawartha Emergency Management Program Committee attached hereto as Schedule "A" to this by-law, be adopted.

That this by-law shall come into force and effect upon passage.

Read a First, Second and Third time and passed in Open Council on the 1st day of December, 2015.

Richard B. Woodcock, Mayor

Connie Parent, Clerk

Township of North Kawartha

Terms of Reference

Emergency Management Program Committee (EMPC)

Name:

Emergency Management Program Committee

Type:

Legislated - Internal Committee

Background:

This Committee is a requirement of provincial legislation under the Emergency Management and Civil Protection Act (EMPCA), R.S.O. 1990, c. E.9 , specifically Regulation O. Reg. 380/04, Part II Municipal Standards, Section 11.

Mission:

The Committee shall advise Council on the development, implementation and maintenance of the municipality’s emergency management program, shall conduct an annual review of the municipality’s emergency management program and shall make recommendations to Council for its revision if necessary. S.2 (5) and (6)

The Committee will have due regard for the following: Emergency Management and Civil Protection Act and O. Reg. 380/04

- Ministry of Community Safety and Correctional Services, Office of the Fire Marshal and Emergency Management (OFMEM) and the Chief of Emergency Management Ontario (including directives / Guidance Notes from the Chief)
- Township of North Kawartha Emergency Management Program including the Emergency Response Plan
- Township of North Kawartha Strategic Plan
- Applicable Township of North Kawartha Policies and Procedures
- Township Procedural By-Law

Measurable Objectives:

The Committee will be responsive to the needs of the Township of North Kawartha and its stakeholders.

- Key success factors include:
    - Review annually and update as applicable, the Hazard Identification Risk Assessment (HIRA) including any recommendations

- Review annually and update as applicable, the Critical Infrastructure Identification including any recommendations
- Review annually and update as applicable, the Public Education Strategy including any recommendations
- Review annually and update as applicable, the Emergency Management Program including any recommendations
- Review on an ongoing basis, at least annually and update as applicable, the Emergency Response Plan including any recommendations
- Ensure the positions in the Municipal Control Group are filled and that the members are sufficiently trained.
- Provide recommendations for the annual exercise and training.
- Prepare the annual budget for presentation to Council.
- Ensure Provincial Compliance requirements are met.

- Risks, barriers and challenges include:
  - Available staff resources
  - Budget constraints
  - Timeliness of Guidance Notes
- Communicate and collaborate with other municipalities and organizations as required.
- Make recommendations to Council regarding the Emergency Management Program, the Emergency Response Plan and the annual Emergency Planning budget.

Term:

As long as it is a requirement of the EMCPA, this Committee is required in its legislated composition. Council passed Motion 15-23 at the January 20, 2015 regular meeting to appoint members of the Committee in its current composition for a term to coincide with the four year term of Council ending in 2018.

Composition:

The EMCPA, S.(2) states that the committee shall be composed of,

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

(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).

S. (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).

Council passed Motion 15-23 at the January 20, 2015 regular meeting to appoint members of the Committee as follows:

- Chief Administrative Officer (CEMC) **– no longer CEMC**
- Mayor
- Deputy Mayor
- Deputy Clerk (Alternate CEMC) - **currently CEMC**
- Director of Parks and Recreation (Emergency Information Officer)
- Fire Chief (Planning / Operations / Logistics)
- Road Supervisor (Planning / Operations / Logistics)

or their designates.

The Committee is therefore composed of two members of Council and five staff members; seven members in total.

This motion also expressed that the Mayor or his designate be appointed as Chair. As per S. (4) The council shall appoint one of the members of the committee to be the chair of the committee.

The Secretary for the Committee shall be the Deputy Clerk (or in their absence, a member of the Committee voted on at the meeting).

Ministry or industry experts may be invited as deputations.

Remuneration:

Council Members will be paid based on the in effect By-Law to Establish Rates of Remuneration for Council and its Boards and Committees of the Township of North Kawartha. Staff will be paid as per their regular salary arrangement. Applicable mileage will be provided at the current mileage rate at the Township of North Kawartha.

Reporting Relationships

The Committee shall make recommendations to Council.

Reports:

Any recommendations will be provided to Council at a regular meeting.

Meeting Procedures:

The aim of the Committee will be to meet four times per year (no less than once per year) or as necessary to meet compliance and protect the municipality in case of emergency. Meetings will be scheduled at the call of the Chair and will be held in the North Kawartha Council Chambers at 280 Burleigh Street, Apsley, Ontario unless noted differently on the agenda.

As per the EMCPA S. 2.1 (7), meetings may be closed to public. 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

As defined in the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, Chapter M. 56, S. 8 to 13, the Head of an institution may refuse under that Act to disclose a record:

a) If the record contains information required for the identification and assessment activities associated with the Hazard and Risk assessment and Infrastructure Identification;
b) Reveals a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence implicitly or explicitly;
c) endanger the security of a building or the security of a vehicle carrying items, or of a system or procedure established for the protection of items, for which protection is reasonably required;
d) If 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.
e) If the record contains personal information.

The Committee shall make recommendations to Council.

The Committee shall have due regard and consideration for any delegations or professionals that Council may deem appropriate.

Roles, Responsibilities and Resources:

Role of the Chair

As per the EMCPA, S. (4), Council shall appoint one of the members of the Committee to be the Chair of the Committee. Council passed Motion 15-23 at the January 20, 2015 regular meeting to appoint the Mayor or his designate as Chair.

The Chair of the Committee is responsible for the following:

- Determining the business to be discussed and approving Agendas for meetings.
- Ensuring that the mission, objectives and outcomes for the Committee are clearly defined and that their achievement is well documented.
- Chairing the meetings.
- Reporting to Council on the recommendations of the Committee.

Role of the Vice-Chair

The Vice-Chair shall assume the Role of the Chair in the Chair’s absence. Council passed Motion 15-23 at the January 20, 2015 regular meeting to appoint the Mayor or his designate as Chair, therefore the Deputy Mayor will be the Vice-Chair.

Role of the Secretary

The Secretary for the Committee shall be the Deputy Clerk. The Secretary for the Committee shall maintain minutes of the meetings, prepare and circulate agendas to members of the committee. The Secretary will submit all agendas and minutes to the Chair for review and approval prior to distribution.

Role of Committee Members

Committee Members will fully participate in the discussion at meetings, will research and contribute information, provide new information, make decisions within the ability of the Committee, complete tasks as assigned and make recommendations to Council as necessary.

Volunteers

Volunteers may be engaged for special projects upon Council approval.

Conflict of Interest

Members are subject to the provisions of the Municipal Conflict of Interest Act and shall declare any direct or indirect pecuniary interest in a matter before the Committee and refrain from participating in any discussion or votes pertaining to the matter that they may have an interest in.

Decision Making

The following principles shall guide the decision-making of the Committee:

1) The Committee shall operate in a non-judgmental manner, respecting individual rights and confidentiality, employing no fault discussion and reaching consensus.
2) The Committee will strive for consensus with consensus being defined as being able to live with and support a decision, which does not necessarily require total agreement.
3) At any meeting of the Committee, a quorum shall mean the presence of a majority of all members of the Committee, four members.
4) The Chair shall allow for and control participation in discussion by all members in attendance.
5) When a matter is put to a vote, all voting members of the Committee shall vote unless prohibited by Statute. A decision can only be passed if 50% of the voting members present, plus one member vote in favour.

Municipal Resources

The Committee will be supported in its mission with appropriate Municipal resources. The Committee is provided with an approved budget amount. All requests for additional funding must be made through Council.

Sub-Committees/Working Groups:

The Committee may establish sub-committees/working groups to support a specific scope of work. Public Members of the sub-committee/working group shall be selected in accordance with the current by-law to adopt a policy for public appointments to North Kawartha Boards and Committees. Members shall be accountable through the Committee to Council.

Budget and Procurement:

The in-effect Procurement by-law must be followed to obtain prices or quotations. Approval of Council may be required prior to the expenditure of any funds. If purchases are allowed up to the annual budget amount, the Chair or their designate may be authorized to complete the purchases.

Annual budget amounts will be as approved by Council. The Chair or their designate is authorized to complete the purchases up to the annual budget amount. The municipality’s Procurement Policy must be adhered to.

Errors / Omissions:

The accidental omission to give notice of any meeting of the Committee to its members, or the non-receipt of any notice by any member, or any error in any notice that does not affect its substance, does not invalidate any resolution passed

or any proceedings taken at the meeting. Any member of the Committee may at any time vaive notice of any meeting.