THE CITY OF WINNIPEG

BY-LAW NO. 59/2020

A By-law of THE CITY OF WINNIPEG to ensure adequate preparation for, and an appropriate response to, emergencies.

WHEREAS the ability of the City of Winnipeg to respond appropriately to emergency situations requires appropriate preparation with carefully designed plans of action and clear decision-making structures and lines of responsibility and accountability;

AND WHEREAS the City is required by *The Emergency Measures Act* to develop, adopt and implement emergency preparedness programs and emergency plans and to establish committees and appoint individuals with responsibilities for the creation, revision and implementation of the required programs and plans;

AND WHEREAS the City is further required by regulations under *The Emergency Measures Act* to engage in regular tabletop and functional exercises;

AND WHEREAS the City has significant powers in an emergency granted to it by *The City of Winnipeg Charter* and *The Emergency Measures Act*, including the authority to declare a State of Local Emergency;

AND WHEREAS the City is often asked to provide assistance to governments and other entities during emergencies outside the City;

AND WHEREAS decisions during emergencies must often be made quickly and without the opportunity to consult and to obtain the normal approvals;

NOW THEREFORE THE CITY OF WINNIPEG, in Council assembled, enacts as follows:

Short title

1 This By-law may be cited as the "Emergency Management By-law".

Definitions

2 In this By-law

"Business Continuity Plan" means a plan for responding to an event that affects critical services, including an emergency or disaster, which includes measures to ensure the continuation or restoration of those services during and after the event;

"CAO" means the Chief Administrative Officer of the City and includes the individual who occupies that position in an acting or interim capacity;

"Charter" means *The City of Winnipeg Charter*;

"City" means The City of Winnipeg continued under section 8 of the Charter;

"city" means the geographical area within the boundaries of the City of Winnipeg;

"Community Emergency Advisory Committee" means the Community Emergency Advisory Committee established by section 3;

"Council" means the council of the City;

"damage to property" includes but is not limited to harm or damage to the City's information technology infrastructure or to records or information held by the City;

"disaster" means an emergency which meets one or more the following criteria:

(a) it has resulted or may result in widespread harm or damage to the safety, health or welfare of people or widespread damage to property or the environment;

(b) an appropriate response to it requires the involvement of eight or more City departments;

(c) an appropriate response to it requires suspension of normal departmental operations in one or more departments;

(d) it has or threatens to have significant business continuity impacts on the City;

(e) it requires the expenditure of more than $10 million;

and, for purposes of illustration, includes a hazardous materials event threatening a neighbourhood, a tornado touching down within the city, or a power outage affecting a large portion of the city which lasts for two days or more;

"emergency" means a present or imminent situation or condition that requires prompt action to prevent or limit

a) the loss of life, or

b) harm or damage to the safety, health or welfare of people, or

c) damage to property or the environment;

and includes a disaster;

"emergency exercises program" means a program of tabletop and functional exercises required by Provincial legislation;

"*The Emergency Measures Act*" means *The Emergency Measures Act*, C.C.S.M. c. E80;

"Emergency Plan" means a plan for preparing for, responding to and recovering from emergencies which is required by *The Emergency Measures Act* to be prepared, adopted and revised from time to time by the City and approved by the Provincial Coordinator;

"Emergency Preparedness Program" means a program designed to achieve a state of readiness for emergencies which is required by *The Emergency Measures Act* to be prepared, adopted and revised from time to time in accordance with this By-law and approved by the Provincial Coordinator and includes:

(a) a hazard and risk assessment;

(b) an Emergency Plan;

(c) a Business Continuity Plan;

(d) an emergency exercises program; and

(e) a program of public awareness;

"external emergency" means

(a) an emergency situation located outside the city which has prompted a representative of a governmental authority or other entity to request assistance from the City; or

(b) an emergency which, although located outside the city, is sufficiently near the city to represent a threat to residents or property within the city;

"hazard and risk assessment" means a hazard and risk assessment required by *The Local Authorities Emergency Planning and Preparedness Regulation*, MR 159/2016;

"Mayor" means the Mayor of the City of Winnipeg and includes the Deputy Mayor or Acting Deputy Mayor when either is performing the duties and functions and exercising the powers of the Mayor;

"Municipal Emergency Coordinator" means the Municipal Emergency Coordinator appointed pursuant to section 6;

"Provincial Coordinator" means the Provincial official identified in *The Emergency Measures Act* as the "coordinator";

"Public Service" means the employees of the City collectively.

PART 1 – ADMINISTRATIVE STRUCTURES FOR EMERGENCIES

Community Emergency Advisory Committee established

3(1) A Community Emergency Advisory Committee is hereby established as the committee of members of the community to advise the Emergency Management Leadership Team on the development of emergency preparedness programs and emergency plans required by *The Emergency Measures Act*.

3(2) The Community Emergency Advisory Committee has the following responsibilities:

(a) advising the City on the development of an Emergency Preparedness Program, including an Emergency Plan; and

(b) participating in and guiding City efforts toward raising public awareness of emergency management, with particular emphasis on the development of an Emergency Preparedness Week.

3(3) Council must appoint the members of the Community Emergency Advisory Committee in accordance with the Council approved Citizen Appointments to Boards & Commissions Policy, as nominated by the Emergency Coordinator, which shall consist of members of the community representing the diversity of Winnipeg's population and, in particular, Indigenous peoples, newcomers to Canada, persons with disabilities, seniors, and youth.

3(4) The Community Emergency Advisory Committee shall consist of at least five members and shall be appointed to staggered two year terms, so that at roughly half the members' terms terminate annually. Members may serve for more than one term.

3(5) Council shall appoint a Chair and a Vice-Chair of the Community Emergency Advisory Committee, either of whom may be a City Councillor.

3(6) Meetings of the Community Emergency Advisory Committee shall not be held in camera.

3(7) A majority of the members of the Community Emergency Advisory Committee constitutes a quorum. The Community Emergency Advisory Committee shall make decisions by majority of the members present at a meeting and may make any other procedural rules or follow any procedures it considers appropriate so long as they are not in conflict with this By-law.

Emergency Management Leadership Team established

4(1) The Emergency Management Leadership Team is hereby established as the local emergency response control group required by *The Emergency Measures Act*.

4(2) The Emergency Management Leadership Team has the following responsibilities:

(a) advising the Municipal Emergency Coordinator in preparing and coordinating an Emergency Preparedness Program for the City;

(b) advising the CAO concerning the approval and revisions of the Emergency Preparedness Program;

(c) reviewing the Emergency Preparedness Program, including the Emergency Plan, at least once each year;

(d) reviewing the City's Business Continuity Plan at least once every two years;

(e) reporting to Council at least once each calendar year through the Executive Policy Committee as to its activities in the previous calendar year; and

(f) providing guidance and advice to the Chief Administrative Officer or their delegate during an emergency.

4(3) The Emergency Management Leadership Team consists of

(a) Mayor or Deputy Mayor;

(b) Chair of the Standing Policy Committee on Protection and Community Services;

(c) Chief Administrative Officer;

(d) Chief, Fire Paramedic Service;

(e) Chief, Winnipeg Police Service;

(f) Municipal Emergency Coordinator;

(g) the Executive Chief Officer of the Winnipeg Fire Paramedic Service responsible for emergency management; and

(h) other senior members of the leadership of the Public Service as selected by the CAO.

4(4) The CAO or delegate shall chair the Emergency Management Leadership Team.

4(5) A majority of the Emergency Management Leadership Team constitutes a quorum. The Emergency Management Leadership Team shall make decisions by majority of the members present at a meeting and may make any other procedural rules or follow any procedures it considers appropriate so long as they are not in conflict with this By-law.

4(6) A member of the Emergency Management Leadership Team may delegate a senior subordinate to serve on the Emergency Management Leadership Team on their behalf.

CAO to adopt Emergency Preparedness Program and ensure required emergency exercises are conducted

5(1) After considering the advice of the Emergency Management Leadership Team, the CAO is authorized to adopt or revise all or part of the Emergency Preparedness Program submitted by the Municipal Emergency Coordinator.

5(2) The CAO is authorized to direct the Municipal Emergency Coordinator to revise the City's Emergency Preparedness Program when he or she considers it appropriate to do so and must do so when directed by the Minister under *The Emergency Measures Act* but must consider the advice of the Emergency Management Leadership Team when adopting the revised Program.

5(3) The CAO must ensure that the Public Service conducts regular tabletop exercises and functional exercises or full-scale exercises as required by *The Local Authorities Emergency Planning and Preparedness Regulation*, MR 159/2016 and provides the requisite reports on the exercises to the Provincial Coordinator.

Municipal Emergency Coordinator position established

6(1) The position of Municipal Emergency Coordinator within the Public Service is hereby established.

6(2) The CAO must appoint an individual to the position of Municipal Emergency Coordinator. When the position is vacant, the CAO must name an employee of the City as the Interim Municipal Emergency Coordinator pending the appointment of another individual to fill the post on a permanent basis.

6(3) The Municipal Emergency Coordinator must be a full-time City employee.

6(4) The individual appointed as Municipal Emergency Coordinator must meet the qualifications prescribed by *The Local Authorities Emergency Planning and Preparedness Regulation*, MR 159/2016.

6(5) Council must ensure that the Municipal Emergency Coordinator has the facilities, equipment and staff support reasonably necessary to carry out their responsibilities under this By-law.

Responsibilities of Municipal Emergency Coordinator

7 The Municipal Emergency Coordinator is responsible for the following:

(a) preparing, reviewing and revising when necessary a hazard and risk assessment that identifies all natural and human-made hazards and risks that could reasonably cause the following within the city:

(i) loss of life;

(ii) harm or damage to the safety, health or welfare of people;

(iii) damage to property or other economic impact;

(iv) damage to the environment; or

(v) an interruption of a critical service;

(b) preparing an Emergency Preparedness Program, other than a Business Continuity Plan, for adoption by the CAO;

(c) reviewing the City's Emergency Preparedness Program, except the Business Continuity Plan, at least once each year and providing the results of that review to the Emergency Management Leadership Team for its consideration;

(d) revising the City's Emergency Preparedness Program, except the Business Continuity Plan,

(i) when directed to do so by the CAO,

(ii) when the City is directed to do so by the Minister under *The Emergency Measures Act*, or

(iii) when the Municipal Emergency Coordinator becomes aware of a hazard or risk not identified in its most recent hazard and risk assessment.

(e) ensuring that the Public Service conducts regular tabletop exercises and functional exercises or full-scale exercises as required by *The Local Authorities Emergency Planning and Preparedness Regulation*, MR 159/2016 and provides the requisite reports on the exercises to the Provincial Coordinator;

(f) carrying out responsibilities assigned to the Municipal Emergency Coordinator by the Emergency Preparedness Plan.

PART TWO – EMERGENCY PREPAREDNESS

Content of Emergency Preparedness Program

8(1) An Emergency Preparedness Program adopted by the CAO must include:

(a) a hazard and risk assessment;

(b) an Emergency Plan;

(c) a Business Continuity Plan;

(d) an emergency exercises program; and

(e) a program of public awareness.

8(2) As required by *The Local Authorities Emergency Planning and Preparedness Regulation*, MR 159/2016, the Emergency Preparedness Program must:

(a) assist the City to prepare for, respond to, recover from and mitigate any hazard or risk identified in the most recent hazard and risk assessment;

(b) include information as to how residents can look after themselves and their families during an emergency; and

(c) provide for a public awareness campaign alerting residents to existing emergency management tools and where to obtain additional emergency and disaster information.

Contents of Emergency Plan and Business Continuity Plan

9(1) The Emergency Plan must

(a) set out functions and responsibilities for positions within the Public Service before, during and after an emergency; and

(b) account both for emergencies in which a State of Local Emergency is declared and emergencies in which it is not declared.

9(2) The Business Continuity Plan must set out functions and responsibilities for individuals occupying positions within the Public Service before, during and after an event that affects critical services, including an emergency.

9(3) The Emergency Plan and a Business Continuity Plan must reflect the full scope of powers available to the City under both the Charter and *The Emergency Measures Act*.

9(4) Notwithstanding the functions and responsibilities assigned to positions within the Public Service in an Emergency Plan or Business Continuity Plan, the CAO is authorized

(a) to veto or overrule any decision or action proposed or taken by a member of the Public Service in respect of an emergency, except the Incident Commander on the scene of the emergency or the Winnipeg Police Service with respect to specific operational decisions, individual investigations and its day-to-day operations; and

(b) to take any decision or action which a member of the Public Service could take under the Emergency Plan or Business Continuity Plan.

Confidentiality of portions of Emergency Plan and Business Continuity Plan

10(1) Because the effectiveness of an Emergency Plan and Business Continuity Plan depends on some portions of the plans remaining confidential, members of the Public Service and the Emergency Management Leadership Team who have access to a draft or an

approved Emergency Plan or Business Continuity Plan must keep the contents of those plans in strict confidence except to the extent that portions of those plans are made available to the public by the CAO.

10(2) A violation of subsection (1) is an offence punishable under *The Provincial Offences Act*, in addition to employment consequences for members of the Public Service and removal from the Community Emergency Advisory Committee for members of that committee.

PART THREE - EMERGENCIES

Declaration of State of Local Emergency

11(1) Where authorized to do so by *The Emergency Measures Act*, Council may declare a State of Local Emergency.

11(2) If Council is unable to meet sufficiently quickly in order to respond to an emergency, the Mayor may declare a State of Local Emergency under subsection (1).

11(3) For greater certainty, an emergency can exist without a State of Local Emergency having been declared.

Delegation of authority to CAO in emergencies

12(1) Subject to this By-law and any restrictions on such delegation identified in *The City of Winnipeg Charter*, other legislation or at common law, all authority of the City to act in an emergency is hereby delegated to the CAO for use in an emergency.

12(2) Without in any way restricting the extent of the delegation of authority in subsection (1), the CAO may do any of the following when a State of Local Emergency has been declared:

(a) cause emergency plans to be implemented;

(b) utilize any real or personal property considered necessary to prevent, combat or alleviate the effects of any emergency;

(c) authorize or require any qualified person to render aid of such type as that person may be qualified to provide;

(d) control, permit or prohibit travel to or from any area or on any road, street or highway;

(e) cause the evacuation of persons and the removal of livestock and personal property and make arrangements for the adequate care and protection thereof;

(f) control or prevent the movement of people and the removal of livestock from any designated area that may have a contaminating disease;

(g) authorize the entry into any building, or upon any land without warrant;

(h) cause the demolition or removal of any trees, structure or crops in order to prevent, combat or alleviate the effects of an emergency or a disaster;

(i) authorize the procurement and distribution of essential resources and the provision of essential services;

(j) regulate the distribution and availability of essential goods, services and resources;

(k) provide for the restoration of essential facilities, the distribution of essential supplies and the maintenance and co-ordination of emergency medical, social and other essential services; and

(l) expend such sums as are necessary to pay expenses caused by the emergency or disaster.

12(3) In subsection (2), “emergency” and “disaster” means emergency and disaster as defined in section 1 of *The Emergency Measures Act.*

12(4) Without in any way restricting the extent of the delegation of authority in subsection (1), in the absence of a declaration of a State of Local Emergency, the CAO may take any actions and measures that are necessary to meet the emergency and to eliminate or reduce its effects.

12(5) For greater certainty and without derogating from the powers delegated in this section , the CAO has authority:

(a) notwithstanding the budget approved by Council in any year, to approve additional appropriations to the budget, including reallocation of funds provided in a budget, and approval of additional expenditures to a maximum of $10 million;

(b) to obtain goods and services without complying with City by-laws, policies or directives;

(c) to waive fees and charges applicable to goods and services provided by the City; and

(d) to seek assistance from other governments, including provincial and federal governments, and organizations on whatever terms seem appropriate to the CAO.

12(6) The authority delegated to the CAO by this section may only be exercised when:

(a) it is reasonably necessary to use the authority to address the emergency in a timely manner; and

(b) it is reasonable to believe that the use of the authority is a better alternative than using other measures to address the emergency.

12(7) The authority granted to the CAO by this section may only be exercised as minimally as is reasonably necessary, consistent with the need to address the emergency.

12(8) The authority granted to the CAO by this section may only be exercised for so long as is reasonably necessary to address the emergency.

12(9) The authority granted to the CAO by this section may be delegated, in whole or in part, to City employees. For greater certainty, these delegations may be accomplished through any mechanism, including through job descriptions, express written delegations, verbal delegations or the Emergency Plan.

Obligation to report regarding use of delegated emergency powers

13(1) The CAO must annually present a report to Council through Executive Policy Committee setting out, without necessarily addressing specific emergencies:

(a) the number of instances in which the CAO or other City employees have used the powers delegated by section 12;

(b) the actions taken in the exercise of those powers; and

(c) the justification for the exercise of those powers.

13(2) When the powers delegated by section 12 are used to respond to a disaster, the CAO must:

(a) make reasonable attempts to notify all members of Council within 24 hours after the first use of those powers; and

(b) provide a report to the members of Executive Policy Committee either verbally or in writing when as soon as practicable after the use of those powers, which report must set out the actions taken in the exercise of those powers and the justification for the exercise of those powers.

13(3) When the use of powers delegated by section 12 materially affects the Winnipeg Police Service' budget, the CAO shall report this fact to the Chair of the Winnipeg Police Board as soon as practicable after the use of those powers.

13(4) The obligation to report imposed by this section does not apply to the exercise of powers by the Winnipeg Police Service pursuant to its common law or statutory authority nor to the exercise of powers by the Winnipeg Fire Paramedic Service in responding to medical emergencies, fires, explosions, hazardous material situations and other similar incidents to which it is designed to respond.

External emergencies

14(1) The CAO is authorized to respond positively to a request for assistance in respect of an external emergency made by an appropriate representative of a governmental authority or other entity, if the assistance can be supplied without unduly impacting the City's operations and if the entity requesting the assistance is prepared to ensure that the City of Winnipeg recovers its costs in providing the assistance.

14(2) Where no fees have been established for the services, equipment or facilities provided under subsection (1), the CAO is authorized to charge the entity that has requested the assistance an amount based on a reasonable estimate of the costs to the City of

providing the assistance or based on the loss of revenue or potential revenue to the City due to the provision of the assistance.

14(3) Where an external emergency is sufficiently near the city to represent a threat to residents or property within the city

(a) the CAO is authorized to utilize the powers set out in section 12;

(b) the restrictions and requirements set out in section 12 apply to the CAO's exercise of emergency powers; and

(c) the reporting requirements set out in section 13 apply to the CAO's exercise of emergency powers.

DONE AND PASSED this 26th day of June, 2020.