Agenda – Council – June 26, 2020

Report – Standing Policy Committee on Protection, Community Services and Parks – June 10, 2020

Item No. 1 Emergency Management Program and Emergency Management Draft By-Law

STANDING COMMITTEE RECOMMENDATION:

On June 18, 2020, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Protection, Community Services and Parks and submitted the following to Council:

1. That the new Emergency Management draft By-Law, attached as Appendix 1, be enacted.

2. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

Report – Standing Policy Committee on Protection, Community Services and Parks – June 10, 2020

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On June 18, 2020, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Protection, Community Services and Parks and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On June 10, 2020, the Standing Policy Committee on Protection, Community Services and Parks concurred in the recommendation of the Winnipeg Public Service and submitted the matter to the Executive Policy Committee and Council.

ADMINISTRATIVE REPORT

Title: Emergency Management Program and Emergency Management Draft By-Law

Critical Path: Standing Policy Committee on Protection, Community Services and Parks – Executive Policy Committee – Council

AUTHORIZATION

Author	Department Head	CFO	CAO
J.Shaw L.Gilmour	J. Lane	N/A	M. Ruta, Interim CAO

EXECUTIVE SUMMARY

Recent amendments to the Provincial Emergency Measures Act and Regulations have placed obligations on the City to meet certain emergency planning requirements. This also provides the City with an opportunity to strengthen its emergency management program, including the Emergency Management Plan, which was last updated in 2012.

The proposed Emergency Management draft By-law, attached as Appendix 1, incorporates best practices from recent emergency events and will establish a framework for the City of Winnipeg to align with current industry best practices in emergency management and meet new mandatory provincial regulations on emergency management for municipalities.

Highlights of the draft By-law include:

- supports initiatives to achieve best practice in emergency management through alignment with the Canadian Standards Association Z-1600 and the National Fire Protection Association 1600;
- formalizes the administrative oversight and accountability to Council for City responses to disasters and emergencies;
- formalizes the position of a Municipal Emergency Coordinator (in place since 2018);
- creates the Emergency Management Leadership Team (EMLT) as the “local emergency response control group” consisting of the Mayor, the Chair of the Standing Policy Committee on Protection, Community Services and Parks, and senior public servants;
- creates a Community Emergency Advisory Committee, to be appointed by Council, which will include members of the public, to provide guidance on the development of the Emergency Management Program;
- provides the CAO with the ability to respond and delegate emergency powers when a disaster or emergency may impact City operation or inflict potential or real harm on residents or employees
- provides the CAO with the ability to approve assistance to other jurisdictions during emergency events on a cost recovery basis provided that doing so does not unduly affect the City’s operations.
- requires that the CAO must report to Council annually on the utilization of emergency powers;

With this framework in place, the City can finalize an Emergency Preparedness Program required by legislation, including an emergency plan. The new program and plan will position Winnipeg to more effectively prepare for, mitigate, respond to and recover from emergencies and disasters.

The 2019-2020 global COVID-19 pandemic has demonstrated that disasters can be catastrophic to people, economies, and our fabric of social community connectivity. Strengthening our ability to maintain a safe community through best practice will support the whole of community approach to increasing resilience and preparing Winnipeg to grow to a City of one million strong.

RECOMMENDATIONS

1. That Council enacts the new Emergency Management draft By-Law, attached as Appendix 1.

2. That the proper officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

REASON FOR THE REPORT

The proposed draft Emergency Management By-Law responds to Manitoba's Emergency Measures Act and Regulations. The proposed draft By-law will also enable a supported, focused effort on emergency management within the City, enhancing overall preparedness and resiliency to disasters for its residents. Only Council can enact by-laws.

IMPLICATIONS OF THE RECOMMENDATIONS

The draft By-Law represents a formalization and significant administrative change in the way the City of Winnipeg responds to emergencies and disasters. It allows for significant community consultation and increases accountability in designing an emergency program that responds to the needs of all residents and visitors that reside, work and play in Winnipeg:

- The proposed draft By-law does not affect the power to declare a State of Local Emergency. This power remains with the Mayor and Council;
- The proposed draft By-law establishes the Emergency Management Leadership Team (EMLT) as the "local emergency response control group" required by The Emergency Measures Act. This team will consist of the Mayor, the Chair of the Standing Policy Committee on Protection, Community Services and Parks, and senior public servants as set out in the Emergency Plan. The responsibilities of this team include guiding the development of an emergency management program, including an emergency plan and business continuity planning. The CAO is given the authority to approve the Emergency Preparedness Program, including the Emergency Plan and the Business Continuity Plan;
- The proposed draft By-law provides the CAO with powers to approve assistance to other jurisdictions during emergency events on a cost recovery basis provided that doing so does not unduly affect the City's operations;

- The proposed draft By-law grants the CAO the ability to direct emergency measures or otherwise respond to an emergency. (In the vast majority of situations, these powers will be sub-delegated to the Director of the Emergency Operations Centre [EOC].) These powers exist when a state of local emergency is declared and under the City's Charter authorities for emergency response;
- As required by The Emergency Measures Act, the proposed draft By-law also establishes the Community Emergency Advisory Committee (CEAC). The CEAC is appointed by Council and will include members of the public. It will provide guidance on the development of the Emergency Management Program, especially with respect to public awareness of emergencies and preparedness. The proposed draft By-law requires that Indigenous peoples, newcomers to Canada, persons with disabilities, seniors, and youth be represented on the committee;
- The draft By-law requires the CAO to report to Council annually on the utilization of emergency powers. When these powers are used in an extraordinary emergency (defined as a "disaster" in the draft By-law), reasonable attempts must be made to notify each councillor within 24 hours after the powers are used and the Executive Policy Committee (EPC) must be given a verbal or written report as soon as it is practicable to do so; and
- As required by The Emergency Measures Act, the Municipal Emergency Coordinator (MEC) position is established. The proposed draft By-law requires that the MEC be provided with resources required to complete responsibilities as identified within the proposed draft By-law.

The new Provincial Regulations will require significant changes to the Emergency Management Program, including additional resources and requirements from departments. Initial costs are anticipated to be limited to department staff time to attend training and equipment costs for assigned staff including laptops and cell phones. As the program evolves, additional requirements will be included in the respective annual budget process for Council review. The Office of Emergency Management will provide support, training and guidance to ensure all City departments can meet legislative requirements. The Provincial Regulation also requires municipalities to develop and maintain a Business Continuity Program including a Business Continuity Plan.

HISTORY/DISCUSSION

History

Emergencies fall within a spectrum, ranging from highly local to massive and overwhelming. A heart attack, assault, or house fire are certainly emergencies from the perspective of their victims and the first responders who attend to them. However, they are very different in scale from massive disasters, such as the ones faced in recent years by Fort McMurray and Lac Megantic. Somewhere in the middle are emergencies such as the weather event that caused significant tree damage and hydro outages last Thanksgiving Day weekend, extended heat waves, and hazardous material events that require localized evacuations.

The City has two sources of authority in emergencies – The Emergency Measures Act and The City of Winnipeg Charter. The former provides municipalities with specific powers when a State of Local Emergency is declared. These powers are enumerated in the proposed draft By-law.

The Charter does not provide a list of specific powers but states: *"…when an emergency arises that affects the health or safety of persons or affects property… the city may take whatever*

actions and measures are necessary to meet the emergency and to eliminate or reduce its effects…". Depending on the situation, this expansive power could include all of the powers set out in *The Emergency Measures By-law* and more. This expansive power is also set out in the proposed draft By-law.

Winnipeg has never had an emergency by-law which clearly delegates the powers that can be exercised by the Public Service in an emergency. The most recent Emergency Management Plan was updated in 2012 and does not reflect the current operating practices of the City of Winnipeg or the changing environment of the City, including recognition of populations, changing geography and advancing technology capabilities, and the changing hazard landscape. In addition, the field of emergency management has continued to advance and many major changes have taken place in emergency management practices. The proposed draft By-Law will allow Winnipeg to capitalize on the increased awareness and planning principles through a best practice aligned emergency management practice.

Details of the proposed Emergency Management draft By-law

The proposed draft Emergency Management By-law establishes a structure for preparing for and responding to emergencies. As required by The Emergency Measures Act, it creates two bodies: the Community Emergency Advisory Committee (CEAC) and the Emergency Management Leadership Team (EMLT).

The CEAC is composed of members of the community nominated by the Municipal Emergency Coordinator and appointed by Council, including Indigenous peoples, newcomers to Canada, persons with disabilities, seniors and youth. The purpose of this Committee is to advise the Emergency Management Leadership Team on the development of its emergency preparedness programs and emergency plans and also to help raise public awareness of emergency management.

The EMLT is made up of the Mayor, the Chair of the Standing Policy Committee on Protection, Community Services and Parks, the CAO, the Chiefs of the Winnipeg Fire Paramedic Service (WFPS) and Winnipeg Police Service (WPS), the Executive Chief Officer of the WFPS responsible for Emergency Management, the Municipal Emergency Coordinator and other senior members of the Public Service. Its role is to review and provide guidance on the City's Emergency Preparedness Program, including the Emergency Plan, Business Continuity Plan, emergency exercises, risk assessments and public awareness activities. The EMLT is required to report to Council at least annually. Although the CAO is delegated authority to approve and revise the City's Emergency Preparedness Program, they must consider advice from the EMLT in doing so. During emergencies, the EMLT is responsible to provide guidance and advice to the EOC Director.

As required by the Emergency Measures Act, the draft By-law also creates the position of Municipal Emergency Coordinator and requires that Council provide this person with the facilities, equipment and staff support reasonably required to carry out his or her responsibilities. These responsibilities include:

- Ensuring that the City has a current hazard and risk assessment;
- Reviewing the City's Emergency Preparedness Program (except the Business Continuity Plan) annually and revising it when necessary;
- Ensuring that various exercises required by the Province are conducted;
- Carrying out other functions as set out in the Emergency Plan.

The Municipal Emergency Coordinator position was established in 2017 (and filled in 2018) as part of the 2017 budget approvals that expanded the Emergency Management area by four FTE.

The draft By-law sets out mandatory requirements of an Emergency Plan and Business Continuity Plan.

The proposed draft By-law also addresses the City's response to an emergency. It delegates to the Public Service, through the CAO, all of the powers available to the City to respond whenever emergencies threaten people or property in the City. Where a State of Local Emergency has been declared, these powers include the authority to:

(a) Implement emergency plans;
(b) Restrict travel within the municipality;
(c) Evacuate people;
(d) Quarantine people or animals;
(e) Make use of land or personal property to address an emergency situation;
(f) Require people to provide assistance;
(g) Enter property without a warrant;
(h) Demolish or destroy property;
(i) Seize goods and distribute them; and
Expend money to pay expenses caused by emergencies.

Even without declaring a State of Local Emergency, the City has authority under The City of Winnipeg Charter to take actions necessary to meet emergencies and to reduce their effects.

Delegating these powers to the CAO ensures that the emergency powers given to the City are available for City employees who are in a position to use them to meet emergencies. The proposed By-law provides that they can only be used if they are reasonably necessary to address an emergency and there are no better alternatives available. In addition, the proposed draft By-law provides for accountability for the use of these powers by requiring that the CAO report annually on all the occasions when these powers have been used, the specific actions taken and the justification for those actions. Moreover, in a disaster, the CAO must make reasonable attempts to notify each Councillor within 24 hours that these powers have been used. The CAO must also brief EPC as soon as practicable.

The CAO is given the additional authority to respond to requests for assistance from other municipalities, the Province or the Government of Canada, as well as other entities, provided that the assistance can be provided without unduly impacting the City's operations and the authority requesting the assistance ensures that the City will recover the costs of providing the assistance. The CAO is also authorized to respond to an external emergency when the emergency could have an impact on residents and property in the City.

Requirements imposed by Province

In 2016, the Government of Manitoba updated The Emergency Measures Act and Regulations to require that municipalities develop emergency management programs and submit proof of compliance on a yearly basis. The Regulations officially adopt the Canadian Standards Association Z1600 and National Fire Protection Association 1600 as the guiding standards for municipalities in Manitoba. The updated program and plan will meet these requirements.

While the Regulations provide general requirements, there is no guiding template applicable to a city the size of Winnipeg. The Public Service has reviewed plans and best practices from other participants in the Canadian Big City Emergency Management Network and will use these, along with the Regulations, as the guiding documents for the City of Winnipeg Emergency Management Plan.

Provincial Requirements
The Provincial Regulation requirements include:

- **Appointment and training qualifications of the Municipal Emergency Coordinator**
  Lisa Gilmour was appointed as the Coordinator in January 2018 and is currently awaiting training courses to be offered by Manitoba Emergency Measures Office (EMO) to meet provincial requirements.

- **Annual Emergency Program Review**
  Municipalities must submit proof of the municipality's review and acceptance of the Emergency Management Program. Assessment process and requirements of the program are still being developed by EMO. The review is required to be completed by December 31, 2020.

- **Emergency Management Plan Submission**
  An updated Emergency Plan must be reviewed and submitted yearly to EMO. This was due December 31, 2018, however an extension was granted. The plan requires significant rewrites to adhere to the standards and guidelines set out in the Regulations. Requirements include the development of a Community Emergency Advisory Committee and a Local Emergency Response Control Group, both of which are addressed in the proposed draft By-law.

- **Hazard and Risk Assessments**
  Municipalities are required to submit hazard and risk assessments with their annual Emergency Plan submission. The City of Winnipeg is planning to do a full assessment in 2021. The City's Office of Emergency Management is currently discussing acceptable interim measures with the Province.

- **Exercises**
  Municipalities are required to hold annual tabletop exercises and a functional or full-scale exercise every four (4) years. Exercise reports must be submitted to EMO 90 days after the exercise is held. The City has conducted its tabletop exercise for 2018 and a functional exercise in 2019. A funding request for the full-scale exercise will be submitted as part of future budget processes.

- **Business Continuity Plan**
  Every two (2) years, a municipality must adopt a continuity plan, the responsibility for which is being delegated to the CAO in the proposed draft By-Law. The City is currently developing a city-wide plan that would meet requirements. This is due December 31, 2020.

FINANCIAL IMPACT

Financial Impact Statement **Date:** 5/15/2020

Project Name:

Emergency Management Program and Emergency Management Draft By-Law

COMMENTS:

The adoption of the Emergency Management Bylaw will place obligations on various departments to appropriately train and equip staff with communications capability to effectively meet their responsibilities under the Emergency Management framework.

These costs are expected to be contained within existing approved departmental budgets.

As the Emergency Management response requirements are established, additional investments may be required to support and enhance capability. These specific requests will be presented to Council through the normal annual budget process for funding consideration.

Original signed by
John Hall FCMA, CGMA
Financial Controller
Fire Paramedic Service

CONSULTATION

This Report has been prepared in consultation with the departments listed below, and they concur with its content.

Legal Services
Winnipeg Police Service
Office of Sustainability

OURWINNIPEG POLICY ALIGNMENT

The new Emergency Plan, emergency management approach and proposed draft By-law were developed in consideration of OurWinnipeg Emergency Preparedness, Response and Recovery 01-2b standards, Directions 2 and 3 (cited below).

Direction 2: Prepare for Disasters and Emergencies.
Enabling Strategies:

- Maintain an Emergency Preparedness Program and Emergency Control Committee;
- Research and prepare plans and procedures for emergency response;
- Maintain the City's capacity to respond to disasters and community crises;
- Provide basic emergency management training to all City departments and stakeholders;
- Broaden Emergency training to encompass new trends in response and recovery;
- Continue to collaborate with partners and the community to build emergency; preparedness capacity and to develop coordinated disaster response plans;
- Enable the citizens of Winnipeg individually and as a community to prepare for, respond to and recover from a major disaster by providing effective emergency preparedness planning, disaster management and education services.

Direction 3: Maintain Emergency Planning Efforts to prevent hazards from developing into disasters and to reduce the effects of natural hazards including extreme weather.
Enabling Strategies:

- Provide support and emergency planning advice to groups planning special events;
- Provide risk hazard analysis information to decision makers;
- Research and assess City-owned facilities, programs and services for the short and long term risks of disastrous events;
- Continue to conduct dynamic and imaginative disaster exercises to ensure our emergency preparedness resources are properly equipped to prevent and handle future hazards and disasters;
- Collaborate on strategies to minimize the spread of disease, including those borne by animals or insects.

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

- Recognizing and understanding climate change and its impacts are a critical component of strong emergency management programs. The Office of Emergency Management will work closely with the City of Winnipeg Office of Sustainability to ensure a climate action lens is applied throughout the Emergency Management Program. Specifically, the Office of Sustainability will be a member of EMCC, and the theme of climate change and impacts will be integrated throughout the development of the Emergency Management Plan and the Hazard and Risk Vulnerability Assessment.

- Within the Climate Action Plan, Section 7.1 (Page 53) of the Winnipeg Climate Action Plan “Implement Opportunities to Improve Winnipeg’s Resilience and Adaptability to the Effects of a Changing Climate” is supported by the Emergency Management By-law. Through a formalized and supported Emergency Management Program the City will be able to recognize changing climate hazards earlier and develop resiliency and adaptation strategies through appropriate mitigation and response efforts.

SUBMITTED BY

Department: Winnipeg Fire Paramedic Service
Division: Office of Emergency Management
Prepared by: Jason Shaw and Lisa Gilmour
Date: May 15, 2020

ATTACHMENTS:

Appendix 1 – Draft Emergency Management By-Law

Appendix 1

THE CITY OF WINNIPEG

BY-LAW NO. /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 other governments during emergencies in their jurisdictions;

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 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 an appropriate 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 7;

"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 public.

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 they consider 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.

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 based on a reasonable estimate of the costs to the City of providing the assistance or 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 day of , 2020.

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Mayor

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City Clerk

Approved as to content:

_____
Chief Administrative Officer

Legally reviewed and certified as to form:

_____
for Director of Legal Services
and City Solicitor