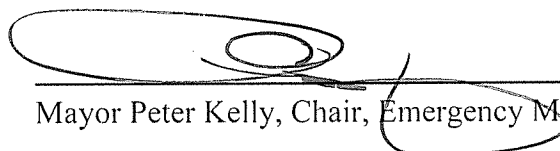


Halifax Regional Council
August 11, 2009
September 8, 2009

TO: Members of Halifax Regional Council

SUBMITTED BY:



Mayor Peter Kelly, Chair, Emergency Measures Advisory Committee

DATE: August 6, 2009

SUBJECT: **HRM Emergency Measures By-law E-100**
Change in provincial legislation from municipal “Emergency Measures
Organization” to “Emergency Management Organization”

ORIGIN

August 6, 2009 meeting of the Emergency Measures Advisory Committee.

RECOMMENDATION

The Emergency Measures Advisory Committee recommend Regional Council approve the revised Emergency Measures By-law (E-100) as attached to the June 19, 2009 staff report and give Notice of Motion “to amend the Emergency Measures By-law in a manner consistent with the provincial change referring to municipal Emergency Management Organizations from municipal Emergency Measures Organizations”.

BACKGROUND/DISCUSSION

At the August 6, 2009 meeting of the Emergency Measures Advisory Committee, staff reviewed the rationale behind recommending the administrative change to the EMO By-law of removing references to “emergency *measures*” and replacing them with “emergency *management*”. The change will keep the municipal by-law in harmony with provincial emergency management legislation.

The Emergency Measures Advisory Committee approved the staff recommendation and recommended that it be forwarded to Regional Council for approval

BUDGET IMPLICATIONS

None associated with this report. The attached staff report of June 19, 2009 indicates there are no budget implications in amending the by-law.

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

This report complies with the Municipality’s Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.

ALTERNATIVES

The Emergency Measures Advisory Committee has not provided any alternatives.

ATTACHMENTS

Attachment ‘A’: Staff report dated June 19, 2009.

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.html> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Sheilagh Edmonds, Legislative Assistant



PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Emergency Measures Organization
Advisory Committee

~~July 7, 2009~~
August 6, 2009

TO: His Worship Mayor Peter Kelly and
Members of the EMO Advisory Committee

SUBMITTED BY:

A handwritten signature in cursive script, appearing to read "Wayne Anstey".

Wayne Anstey, Acting Chief Administrative Officer

DATE: June 19, 2009

SUBJECT: HRM Emergency Measures By-law E-100
Change in provincial legislation from municipal "Emergency Measures
Organization" to "Emergency Management Organization"

RECOMMENDATION REPORT

ORIGIN

Section 10 of the Emergency Management Act (1990) of Nova Scotia requires that every municipality in Nova Scotia is to establish and have a municipal emergency by-law. HRM currently has a municipal emergency by-law, E-100, effective Jun 22, 1996.

RECOMMENDATION

It is recommended that the EMO Advisory Committee approve the attached revised Emergency Measures by-law (E-100) and present it to Regional Council with a notice of motion "to amend the Emergency Measures By-law in a manner consistent with the provincial change referring to municipal Emergency Management Organizations from municipal Emergency Measures Organizations".

BACKGROUND

The provincial Emergency Measures Act was first created in 1990 to give a provincial structure to enable a prompt and coordinated response to an emergency and also to allow for the creation of municipal emergency measures organizations. At the time, these local emergency measures organizations were to create plans and procedures that would detail the extraordinary actions, or “measures” that each municipality would conduct in order to respond in a coordinated manner to an emergency, hence the term Emergency Measures.

Over time, the role of local and provincial emergency measures organizations has changed to include prevention, preparedness, mitigation and recovery as well as response to emergencies. Because of this expanded role in emergency planning and response, several provincial governments across the country have amended references to emergency measures to better reflect the planning and coordination that is now part of their mandates by becoming organizations to manage the overall emergency management for the preparation and response to large scale emergencies.

In 2005, the province of Nova Scotia amended the existing Emergency Measures Act to reflect these changes at both the provincial level and the municipal level. Section 10 of the revised act now requires every municipality to establish and maintain a municipal emergency management organization

DISCUSSION

To keep the municipal by-law in harmony with provincial emergency management legislation, the attached HRM Emergency Measures by-law has been amended to remove references to “emergency measures” and replace them with “emergency management”.

The EMO Planning Committee has reviewed and approved this administrative change to the EMO By-law.

BUDGET IMPLICATIONS

There are no budget implications to the amendment of this by-law.

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

This report complies with the Municipality’s Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.

ALTERNATIVES

The EMO Advisory Committee may elect not to amend this by-law.

ATTACHMENTS

Revised Halifax Regional Municipality By-Law Number E-100 showing suggested revisions

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.html> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by : Barry Manuel, EMO Coordinator, 490-4213

William H. Mosher

Report Approved by: Bill Mosher, Chief Director, Halifax Fire and Emergency, 490-4239

HALIFAX REGIONAL MUNICIPALITY

BY-LAW NUMBER E-100

RESPECTING OF A PROMPT AND COORDINATED RESPONSE TO AN EMERGENCY

The Council of the Halifax Regional Municipality under the authority vested in it by the Emergency Measures Act, S.N.S. 1990, C.8, S.10, enacts as follows:

Short Title

1. This by-law may be cited as the "Emergency Measures By-Law"

Interpretation

2. In this by-law,
 - (a) "Act" means the Emergency Measures Act, R.S.N.S. 1990, c.8;
 - (b) "agent" means a person, persons, company or any other organization employed to act on behalf of the Halifax Regional Municipality;
 - (c) "Council" means the Council of the Halifax Regional Municipality;
 - (d) "councillor" means a member of the Council;
 - (e) "Director" means the Director of the Nova Scotia Emergency Measures Organization;
 - (f) "emergency" means a present or imminent event in respect of which the Regional Municipality believes prompt co-ordination of action or regulation of persons or property must be undertaken to protect property or the health, safety or welfare of people in Nova Scotia;
 - (g) "employee" means a person employed either part or full time by the Halifax Regional Municipality;
 - (h) "mayor" means the mayor of the Regional Municipality or a councillor acting in the stead of the mayor;
 - (I) "Minister" means the member of the Executive Council to whom is assigned the administration of the Act and regulations;

- (j) "Municipal Emergency Measures Plans" means plans, programs or procedures prepared by the Regional Municipality that are intended to mitigate the effects of an emergency or disaster and to provide for the safety, health or welfare of the civil population and the protection of property in the event of such an occurrence;
- (k) "Municipal Emergency Measures Advisory Committee" means the advisory committee established pursuant to this by-law;
- (l) "Municipal Emergency Measures Co-ordinator" means the person appointed by Council pursuant to this by-law;
- (m) "Municipal Emergency Measures Organization" means the organization established pursuant to this by-law;
- (n) "Municipal Emergency Measures Planning Committee" means the committee established pursuant to this by-law;
- (o) "Regional Municipality" means the Halifax Regional Municipality;
- (p) "State of Emergency Regulations" means regulations approved by the Governor in Council by Order in Council 92-61, Regulation 17/92, as amended from time to time;
- (q) "state of local emergency" means a state of local emergency declared by the Regional Municipality pursuant to the Act or renewed by the Regional Municipality pursuant to the Act and regulations made pursuant thereto and this by-law;
- (r) "volunteer fire fighter" means any individual who gives of their time, skills and knowledge by providing emergency services in accordance with regulations for the Regional Municipality fire service.

Municipal Emergency Measures Organization

- 3. (1) The Council hereby establishes a Municipal Emergency Measures Organization.
- (2) The Municipal Emergency Measures Organization shall consist of the following persons and committees:
 - (a) a Municipal Emergency Measures Advisory Committee;
 - (b) a Municipal Emergency Measures Co-ordinator; and
 - (c) a Municipal Emergency Measures Planning Committee.

Municipal Emergency Measures Advisory Committee

- 4. (1) The Municipal Emergency Measures Advisory Committee shall be appointed by

Council for such term as the Council deems necessary.

(2) The Municipal Emergency Measures Advisory Committee shall at all times consist of the Mayor, Deputy Mayor, no fewer than two councillors, and the Chief Administrative Officer.

(3) The Municipal Emergency Measures Advisory Committee shall:

(a) advise Council on the development of municipal emergency Measures plans;

(b) present municipal emergency Measures plans to Council;

(c) brief Council on developments during a local state of emergency; and

(d) perform such other duties as may be required by the Council.

Municipal Emergency Measures Coordinator

5. (1) The Municipal Emergency Measures Co-ordinator shall be appointed for such term as the Council deems necessary.

(2) The Municipal Emergency Measures Co-ordinator may be paid reasonable expenses for work incurred under this by-law.

(3) The Municipal Emergency Measures Co-ordinator shall:

(a) co-ordinate and prepare municipal emergency Measures plans, training and exercises; and

(b) be responsible for on-going public self-help education programs related to emergency preparedness;

(c) following activation of the municipal plan or a declaration of state of local emergency, prescribe, as necessary, duties to be fulfilled by employees, agents, and volunteer fire fighters of the Regional Municipality; and

(d) perform such other duties as may be required by the Council.

Municipal Emergency Measures Planning Committee

6. (1) The Municipal Emergency Measures Planning Committee shall be appointed by Council for such term as the Council may prescribe.

(2) The Municipal Emergency Planning Committee shall consist of the Chief Administrative Officer, the Emergency Measures Coordinator, and the commissioner or chief of every municipal department or agency which is assigned emergency related functions

under municipal emergency Measures plans and, where no department or agency exists, a qualified person to represent that group. The Chief Administrative Officer will chair the Municipal Emergency Measures Planning Committee.

(3) The Municipal Emergency Measures Planning Committee shall include, but not be limited to, persons responsible during an emergency to provide:

- (a) law enforcement
- (b) search and rescue
- (c) fire control services
- (d) hazardous materials control services
- (e) transportation
- (f) engineering services
- (g) water
- (h) wastewater
- (I) solid waste
- (j) telecommunications
- (k) financial services
- (l) legal services
- (m) administrative services
- (n) human resource management (including health and safety)
- (o) information systems
- (p) purchasing/materials management
- (q) physical, social and environmental planning information
- (r) public information

(3) The Municipal Emergency Measures Planning Committee shall also include persons responsible during an emergency to coordinate the following functions with municipal emergency Measures plans:

- (a) income assistance
- (b) community services
- (c) health services
- (4) The Municipal Emergency Measures Planning Committee shall:
 - (a) assist the Municipal Emergency Measures Co-ordinator in the preparation and co-ordination of municipal emergency Measures plans;
 - (b) advise the Municipal Emergency Measures Advisory Committee on the development of municipal emergency Measures plans;
 - (c) upon request, assist the Municipal Emergency Measures Advisory Committee in the presentation of municipal emergency Measures plans to Council;
 - (d) following activation of the municipal or departmental emergency plan or a declaration of state of local emergency, prescribe, as necessary, duties to be fulfilled by employees, agents, and volunteer fire fighters of the municipality; and
 - (e) perform such other duties as may be required by the Municipal Emergency Measures Advisory Committee or the Council.
- (5) Each member of the Emergency Planning Committee shall prepare an emergency plan for the emergency functions assigned in the master emergency plan to their department, agency or area of responsibility. Members will submit plans to the Emergency Measures Advisory Committee for approval. Plans include training and exercise programs.

Agreements

- 7. (1) Subject to preliminary approval of Council, the Municipal Emergency Measures Planning Committee may, as part of municipal emergency Measures plans, negotiate an agreement to be approved by the Council or person designated by the Council with the Government of Canada, the Province of Nova Scotia, a municipality, city or town, or any other agency or any person.
- (2) Any agreement negotiated under subsection (1) is not binding until it is approved by Council.

Duties of Council

- 8. (1) The Council shall review and evaluate municipal emergency plans presented to it by the Municipal Emergency Measures Advisory Committee.
- (2) The Council may specify additional duties to be fulfilled by the Municipal Emergency

Measures Advisory Committee, the Municipal Emergency Measures Co-ordinator and the Municipal Emergency Measures Planning Committee.

- (3) The Council may appropriate and expend monies.
 - (a) to pay reasonable expenses of members of the Municipal Emergency Measures Advisory Committee, the Municipal Emergency Measures Co-ordinator and the Municipal Emergency Measures Planning Committee; and
 - (b) to fulfil the terms and conditions of an agreement approved by the Council pursuant to Section 7.

Declaration of a State of Local Emergency

9.
 - (1) The Council shall declare a state of local emergency by completing Form 4 attached to the State of Emergency Regulations.
 - (2) The Mayor, acting under Section 12(3) of the Act shall complete Form 5 attached to the State of Emergency Regulations.
 - (3) With the approval of the Minister, the Council may renew a state of local emergency by completing Form 6 attached to the State of Emergency Regulations.
 - (4) The Council may terminate a state of local emergency by completing Form 7 attached to the State of Emergency Regulations.
 - (5) A copy of a declaration signed under this Section shall immediately be delivered or faxed to the Minister and the Director.

Notice

10. Following the signature of a declaration under Section 9, the Council shall immediately cause the details of the declaration or termination to be communicated or published by such means as the Council considers the most likely to make the contents of the declaration or termination known to the people of the area affected.

Duties During an Emergency

11.
 - (1) Following the activation of any municipal emergency plan(s)
 - (a) every employee, agent, and volunteer fire fighter of the municipality who has a role in such emergencies as assigned in the municipal emergency Measures plans, including the master emergency plan and departmental plans, shall fulfil such reporting duties as may be prescribed by those plans and any additional duties as may be prescribed by the plans and the Municipal Emergency Planning Committee.

(2) Following the issuance of a declaration under Section 9 and for the duration of the state of local emergency

(a) every councillor shall keep the Advisory Committee posted respecting their whereabouts.

Done and passed in Council this fourteenth day of May 1996.

(SIGNED)

MAYOR

(SIGNED)

MUNICIPAL CLERK

I, Vi Carmichael, Municipal Clerk of the the Halifax Regional Municipality, hereby certify that the above noted by-law was passed at a meeting of Halifax Regional Council held on May 14th, 1996.

(SIGNED)

Vi Carmichael
Municipal Clerk

(SIGNED) June 6, 1996

APPROVAL OF MINISTER
RESPONSIBLE FOR EMERGENCY
Measures ACT

(SIGNED) June 13, 1996

MINISTER OF HOUSING
AND MUNICIPAL AFFAIRS

BY-LAW E-100

Notice of Motion:	April 16, 1996
First Reading:	April 30, 1996
Second Reading:	May 14, 1996
Third Reading:	May 14, 1996
Approval of Minister Responsible for Emergency <u>Measures</u> Act:	June 6, 1996
Approval of Minister of Housing & Municipal Affairs:	June 13, 1996
Effective Date:	June 22, 1996