



STAFF REPORT ACTION REQUIRED

Authorize City Manager to Enter Into Agreements for Use of Necessary Facilities, Services and Resources Before an Emergency

Date:	April 23, 2007
To:	Executive Committee
From:	Shirley Hoy, City Manager
Wards:	All
Reference Number:	

SUMMARY

The City of Toronto has an emergency management program spanning the broad scope of mitigation, preparedness, response and recovery activities, in compliance with the Emergency Management and Civil Protection Act. An important element of preparedness and response is to make arrangements that will ensure availability and access to the necessary facilities, services and resources needed by the City to initiate and sustain an effective emergency response. It may be desirable to formalize some of these arrangements through memoranda of understanding (MOU).

Such MOU's could cover, for example: the use of school facilities in various emergency situations, including as mass vaccination clinics in the event of an influenza pandemic; the use of facilities for the shelter of emergency evacuees; the use of volunteers affiliated with organizations such as St. John Ambulance or Canadian Red Cross; the use of warehouse space to accommodate an influx of donations, materials or supplies; and priority provision of goods from suppliers.

This report recommends that City Council authorize the City Manager to enter into memoranda of understanding for the use of necessary facilities, services and resources by the City before emergencies.

RECOMMENDATIONS

The City Manager recommends that:

1. the City Manager be authorized to negotiate and enter into MOU's with other organizations for the use of facilities, services and resources by the City in emergency situations, subject to approval of the MOU's as to form by the City Solicitor.

Financial Impact

There are no immediate financial impacts as a result of this report. In the event an MOU is implemented and the necessary facilities, services or resources are used, the City might be obliged to reimburse others for the use of facilities, services and resources depending on the terms negotiated under the applicable MOU.

DECISION HISTORY

Toronto Public Health is the lead agency for City of Toronto pandemic influenza preparedness and response. At its meeting of April 25, 26, and 27, 2006, City Council endorsed the Toronto Pandemic Influenza Plan (TPIP) prepared by Toronto Public Health. TPIP includes a plan for distribution and administration of vaccine and the accompanying Board report, acknowledged that further work needed to be done to secure accessible locations to ensure vaccination of the full population.

In addition to pandemic influenza planning, the Toronto Office of Emergency Management (OEM) is engaged in a variety of emergency preparedness activities, many of which involve the private sector. Traditionally, OEM's approach has been to engage with private sector providers of necessary facilities, services and resources during an emergency event. However, emergencies worldwide, most notably the response to Hurricane Katrina, have demonstrated the advantage of having MOU's in place prior to an emergency event.

Toronto Legal has provided the opinion that although there are no immediate costs to enter into an MOU for provision of resources in an emergency, the potential for future costs and possible indemnification obligations requires an MOU to be approved by City Council, subject to delegation of authority of the approval function. In order to ensure timely response to emergencies, it is recommended that the authority to enter into MOU's for provision of necessary facilities, services and resources be delegated to the City Manager.

ISSUE BACKGROUND

Some City divisions, agencies, boards and commissions have had discussions related to establishing MOU's with other institutions for the purpose of provision of resources during an emergency. Recently, Toronto Public Health entered into discussions with the Toronto District School Board (TDSB) respecting the use of schools as mass vaccination sites. The discussions were expanded to include the City's Office of Emergency

Management (Technical Services Division) and the Shelter, Support and Housing Administration Division given the potential for use of the schools in a wider variety of emergency situations. As a result, these three City divisions negotiated with the TDSB to create a draft MOU that addresses the use of TDSB facilities in a variety of emergency situations.

In the course of preparing to report to City Council to seek approval of the MOU with the TDSB, it became increasingly apparent that the City may wish to enter into MOU's with a variety of other organizations and service providers respecting the City's use of their facilities, services or resources during an emergency. Such service providers include such organizations as hotels, manufacturers, wholesale/retail outlets and volunteer organizations e.g., Canadian Red Cross. To enable the City to respond as effectively as possible in an emergency situation, the MOU's should be negotiated and entered into prior to the occurrence of an emergency.

COMMENTS

The specific MOU negotiated with the TDSB defines 'emergency' as:

- (i) a situation or an impending situation that constitutes a danger of major proportions that could result in serious harm to persons or substantial damage to property and that is caused by the forces of nature, a disease or other health risk, an accident or an act whether intentional or otherwise;
- (ii) a situation or impending situation necessitating action to arrange for temporary shelter and mass care activities including, but not limited to, registration and inquiry services, first aid and basic health care, temporary lodging, feeding and emergency social services including personal support, short-term child care, emergency clothing and bedding and care for household pets that may accompany persons receiving care; and
- (iii) situations that require the use of a Facility, as hereinafter defined, or part thereof as a site for care, isolation, vaccination or screening of persons in relation to a medical outbreak or potential outbreak.

The TDSB MOU defines emergency facilities as "a building or facility that has been identified by the City as acceptable for use as a facility during an emergency for purposes including, but not limited to, the provision of mass care and isolation, vaccination or screening of persons in relation to an outbreak or potential outbreak of disease."

The TDSB MOU outlines notification procedures and designates the following City officials as the individuals authorized to jointly implement the MOU with the TDSB Director of Education:

- a) The City Manager or delegate;
- b) The Manager of the Office of Emergency Management or delegate;

- c) The General Manager of the Shelter, Support and Housing Administration Division or delegate; or
- d) The Medical Officer of Health or delegate.

In the TDSB MOU the City also agrees to indemnify owners of the necessary facilities, services or resources from all claims arising from the City's use, except those that arise from the owner's own acts or omissions. The City also undertakes to obtain and maintain general liability insurance coverage for personal injury, public liability and property damage in the amount of at least \$5 million.

Either party may terminate the agreement upon 90 days written notice to the other party.

Although MOU's that would be negotiated with other organizations would have to be tailored to meet the particular requirements of each situation, the TDSB MOU could serve as a model for other situations. It could be adapted to meet the terms of other necessary facilities, services and resources as negotiated, and serve as a rough template for future MOU's.

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SIGNATURE

Shirley Hoy, City Manager