

Type of Decision									
Meeting Date	Friday, February 19, 2016				Report Date	Saturday, February 13, 2016			
Decision Required	X	Yes		No	Priority	X	High		Low
Direction	X	Information Only			Type of Meeting	X	Open		Closed

Auto Extrication - Report #19/02/16/1101

Subject:

Council's response to current situation concerning lack of emergency services along Highway 17. Resolutions of request for support, press release and request for legal opinion.

RECOMMENDATION:

That Council consider the following, authorize a press release, and authorize resolutions requesting assistance from the Town of Petawawa and Garrison Petawawa.

Resolution #1

WHEREAS the Municipality of Head Clara and Maria has been unsuccessful in obtaining auto extrication services from its neighbouring Municipalities for a 30 km stretch of Trans-Canada highway 17 through the Municipality;

AND WHEREAS this route is in fact designated as part of the Trans-Canada highway system;

AND WHEREAS the Canadian military base, Garrison Petawawa, is quite close to this section of highway;

AND WHEREAS Garrison Petawawa has equipment and trained personnel to conduct auto extrication;

AND WHEREAS the military conducts regular training exercises to keep staff fully qualified;

AND WHEREAS real life situations provide some of the best training opportunities;

THEREFORE BE IT RESOLVED THAT the municipality of Head, Clara and Maria petition the federal government through the Ministry of Defence to allow Garrison Petawawa to respond to truly life threatening situations as determined by Renfrew County Paramedic services and provide auto extrication services;

AND FURTHER THAT staff is directed to circulate a copy of this resolution to our MPP John Yakabuski, our MP, Cheryl Gallant, the Ministry of Community Safety and

Correctional Services, Premier Wynne, the Office of the Fire Marshal, the County of Renfrew and area municipalities for information.

Resolution #2

WHEREAS the Municipality of Head Clara and Maria has been unsuccessful in obtaining auto extrication services from its neighbouring Municipalities for a 30 km stretch of Trans-Canada highway 17 through the Municipality due to the reluctance of those neighbours to leave their own public underserved;

AND WHEREAS many suggestions received are not practical simply because our population does not have the potential for staffing either a professional or volunteer fire department;

AND WHEREAS it is hoped that the Town of Laurentian Hills and the Town of Petawawa would be willing partners;

BE IT RESOLVED THAT the municipality of Head, Clara and Maria does hereby request that the Town of Petawawa consider assisting in a resolution to the existing problem by offering back up to Laurentian Hills through a mutual or automatic aid agreement to fill vacancies within that community while Laurentian Hills volunteers respond to auto accidents on Highway 17 in Head, Clara & Maria on a pay per service basis so that no municipality is left underserved and the travelling public are protected;

AND FURTHER THAT staff is directed to circulate a copy of this resolution to our MPP John Yakabuski, our MP, Cheryl Gallant, the Ministry of Community Safety and Correctional Services, Premier Wynne, the Office of the Fire Marshal, the County of Renfrew and area municipalities for information.

Resolution #3

WHEREAS local and nation-wide media have been covering the lack of auto-extrication services along Highway 17 within Head, Clara & Maria resulting in inaccuracies and misinformation being circulated;

AND WHEREAS Council policy allows for the issuance of press releases for municipal purposes;

AND WHEREAS a draft press release has been provided for Council review and approval;

THEREFORE BE IT RESOLVED THAT the Council of the United Townships of Head, Clara & Maria does hereby approve the release of the draft press release, as amended at this meeting to the media as soon as possible;

AND FURTHER THAT staff is directed to circulate a copy of this resolution to our MPP John Yakabuski, our MP, Cheryl Gallant, the Ministry of Community Safety and Correctional Services, Premier Wynne, the Office of the Fire Marshal, the County of Renfrew and area municipalities for information.

Resolution #4

WHEREAS the Municipality of Head Clara and Maria has been unsuccessful in obtaining auto extrication services from its neighbouring Municipalities for a 30 km stretch of Trans-Canada highway 17 through the Municipality due to the reluctance of those neighbours to leave their own public underserved;

AND WHEREAS it is not feasible for Head, Clara & Maria to have its own Fire Department, volunteer or professional;

AND WHEREAS in response to a letter of request for assistance to the province in November of 2015 Head, Clara & Maria was told that the province's obligation is to pay an hourly rate to fire departments for the provision of auto-extrication services and had no suggestions as to how to proceed where a community did not have a fire department;

AND WHEREAS the Ministry of Community Safety and Correctional Services Public Fire Safety Guideline PFSG 04-24a-12 entitled *Liaison With Other Agencies at Vehicle Extrication* Incidents states "*In the case of any one of the emergency services not being at the scene, those in attendance would have to assume some of the responsibilities of the other services and in all cases, the priority would be the safety and well being of victims*";

AND WHEREAS the County of Renfrew Emergency Services and the Upper Ottawa Valley detachment of the Ontario Provincial Police which services this municipality are both aware of the dissolution of the North Renfrew Emergency Response Unit and the resulting lack of service in Head, Clara & Maria;

THEREFORE BE IT RESOLVED THAT the Council of the United Townships of Head, Clara & Maria does hereby advise both the County Department of Emergency Services and the Ontario Provincial Police that when responding to calls in Head, Clara & Maria they should be prepared to "assume some of the responsibilities of the other services" and equip themselves as necessary to do so as we have not been able to obtain assistance from either our neighbours or the province at this time.

Resolution #5

WHEREAS some members of Council have concern with the potential for liability due to the lack of auto-extrication services along highway 17 through a section of Head, Clara & Maria;

AND WHEREAS it is fact that a municipality is not required to have a fire department if a risk assessment has been conducted and has shown that it is not feasible;

AND WHEREAS two municipal representatives of the Ontario Fire Marshal's office in 2011 advised that continued participation in the joint auto-extrication agreement was not a legal requirement for Head, Clara & Maria;

AND WHEREAS the municipal insurer, in 2011 advised that there was no increased liability for the municipality in not providing auto-extrication services;

THEREFORE BE IT RESOLVED THAT the Council of the United Townships of Head, Clara & Maria does hereby direct staff to consult with the municipal solicitor and liability insurer to obtain opinion on the potential for liability with this current situation.

BACKGROUND/EXECUTIVE SUMMARY:

Resolution #1

Recommended that this resolution be adopted by Council; investigating alternatives for provision of service of auto-extrication through Head, Clara & Maria.

Resolution #2

Recommended that this resolution be adopted by Council; investigating alternatives for provision of auto-extrication services through Head, Clara & Maria.

Resolution #3

Recommended that this resolution be adopted by Council; providing accurate information for dissemination to media and other levels of government.

Press Release – Unprotected Provincial Highway in Head, Clara & Maria

Currently, there is no auto-extrication service along Highway 17 in Head, Clara & Maria from the Bissett Creek Bridge to the Laurentian Hills border potentially leaving the travelling public in danger. HCM Council is attempting to resolve this issue.

According to Ontario Provincial Police records, from 2010 - 2015, there have been an average of 5 motor vehicle collisions annually along highway 17 in Head, Clara & Maria; only a portion of them being on this stretch of the highway.

In 1985 Head, Clara & Maria (HCM) entered into an agreement with the current Towns of Laurentian Hills and Deep River for the provision of auto-extrication services along this stretch of the highway through a joint purchase of equipment funded in part by the provincial/federal Joint Emergency Preparedness Program grant. Although not legislated, municipal fire departments traditionally provide equipment and personnel; the province pays for service calls.

Under the agreement it was understood that each department would look after its own municipality first. There was always the possibility that a call could result in no response if the equipment or personnel were needed in the base municipality.

In 2015 HCM Council, concerned with the lack of reporting or accounting during the life of the agreement asked to strengthen it. Conditions of the agreement were not being met; reporting was non-existent. HCM was being asked to sign a new agreement with no upper limit for expenses; in essence, a blank cheque.

Instead of repairing the agreement, in April of 2015 the Town of Deep River stated that it was no longer in a position to provide this service as its department was understaffed and facing its own internal challenges; that the Ontario Fire Marshal's office had questioned their continued partnership.

The Town of Laurentian Hills was willing to stay in the agreement but were also able to handle auto extrication on their own.

Representatives of the three municipalities during a meeting of the North Renfrew Emergency Response Unit (NRERU) board agreed to mutually dissolve the agreement ultimately transferring the equipment to Laurentian Hills.

After holding a public consultation in August of 2015, and having previously consulted with the Ontario Fire Marshal's Office, the Council of the United Townships of Head, Clara & Maria agreed to mutually dissolve the NRERU; promising to investigate alternate service arrangements.

Council believed that being a provincial asset, the province should assume responsibility where service could not be arranged. Further they believed that since Laurentian Hills was in receipt of the equipment, that a pay for service agreement might be brokered once the NRERU was terminated.

In October of 2015 HCM Council requested such an agreement from Laurentian Hills Council; HCM was told unequivocally that no, Laurentian Hills was not in a position to provide this service.

The Town of Mattawa, which provides coverage along Highway 17 from the westernmost border to the Bissett Creek Hill/bridge was contacted via telephone in April 2015 and we were told that they were not able to come further east due to exposure to their residents.

In November of 2015 Head, Clara & Maria notified the province of the situation along Highway 17 and requested that the province take steps to assist in protecting the travelling public. A copy of this letter was sent to our MPP, John Yakabuski.

Under the *Fire Prevention and Protection Act* a municipality is not required to have a fire department. If it chooses not to, or does not have the ability to form a department a municipality shall provide: a simplified risk assessment, a smoke alarm program, fire safety education material and building inspections upon complaint or when requested to assist with code compliance. Head, Clara & Maria meets these obligations.

With a total permanent population of under 250, an aging population and a geographic expanse of over 70 km along the highway, even if gifted auto-extrication and/or fire equipment, HCM does not have the population to man it, paid or volunteer.

Although not legally its responsibility, socially some Head, Clara & Maria Council members feel that it must work to find a resolution to this situation and is investigating other options.

Irrespective of agreements in place with municipalities with fire departments, as with policing, auto-extrication and public safety along provincial highways remains a provincial responsibility.

Resolution #4

That this resolution be adopted showing Council's concern with this ongoing issue and again requesting support from other organizations which have a legislated duty to provide services along this stretch of the highway.

A copy of the Public Fire Safety Guideline has been attached in its entirety.

Resolution #5

It is staff recommendation that an opinion by the municipal solicitor or insurer is only required to alleviate personal qualms. Information gathered previously satisfies the question of liability in the lack of the provision of auto-extrication services by the municipality.

Two representatives of the Ontario Fire Marshal's office and our municipal insurer both provided insight and opinion back in 2011.

There is no obligation under any legislation requiring a municipality to provide this service. There is no legal obligation to have a fire department. There is no obligation for fire departments to provide auto-extrication services. Municipalities with fire departments provide differing levels of service based on their individual requirements – fiscal ability and need.

The following are excerpts from various guidelines as provided by the Ontario Fire Marshal...

You can follow the links to read the entire documents.

1. <http://www.mcscs.jus.gov.on.ca/english/firemarshal/fireserviceresources/publicfiresafetyguidelines/04-40-03.html> - Selection of Appropriate Fire Prevention Programs - Public Fire Safety Guidelines - Subject Coding - PFSG 04-40-03

"Section 2. (1) of the Fire Protection and Prevention Act states:

- (1) Every municipality shall,
 1. establish a program in the municipality which must include public education with respect to fire safety and certain components of fire prevention; and
 2. provide such other fire protection services as it determines may be necessary in accordance with its needs and circumstances.

Therefore, as a minimum acceptable model municipalities must provide the services listed below. The simplified risk assessment should identify the extent to which additional services may be required to meet the local needs and circumstances of specific municipalities.

Municipalities may develop a different model for fire prevention and public education services provided they are able to demonstrate that their model meets the mandated requirements of the community's local needs.

1. Simplified risk assessment
 2. A smoke alarm program
 3. Fire safety education material distributed to residents/occupants
 4. Inspections upon complaint or when requested to assist with code compliance"
2. <http://www.mcscs.jus.gov.on.ca/english/firemarshal/fireserviceresources/publicfiresafetyguidelines/04-12-13.html> - Core Services (Response and Support) and Associated Guidelines - Public Fire Safety Guidelines - Subject Coding - PFSG 04-12-13

“It is not expected that a fire department would be involved in all levels of service listed under emergency response. For example some fire departments will provide interior structural firefighting with a rescue component while others may be unable to provide rescue components.”

3. <http://www.mcscs.jus.gov.on.ca/english/firemarshal/fireserviceresources/publicfiresafetyguidelines/02-03-01.html> - Economic Circumstances - Public Fire Safety Guidelines - Subject Coding - PFSG 02-03-01

“It is therefore essential that the economic circumstances of a community be thoroughly and objectively analyzed, in addition to the assessment of the existing fire protection system, and risk assessment, if an accurate representation is to be made of the community.”

4. <http://www.mcscs.jus.gov.on.ca/english/FireMarshal/FireServiceResources/PublicFireSafetyGuidelines/04-24a-12.html> -Liaison With Other Agencies at Vehicle Extrication Incidents - Public Fire Safety Guidelines - Subject Coding - PFSG 04-24a-12

“In the case of any one of the emergency services not being at the scene, those in attendance would have to assume some of the responsibilities of the other services and in all cases, the priority would be the safety and well being of victims.”

5. <http://www.mcscs.jus.gov.on.ca/english/firemarshal/fireserviceresources/publicfiresafetyguidelines/04-13-12.html> - Basic Structural Fire Fighting (No Expected Rescue Component) - Public Fire Safety Guidelines - Subject Coding - PFSG 04-13-12

“The provision of fire suppression is an important component of the Comprehensive Fire Safety Effectiveness Model, however, due to a variety of influences, not all communities are capable of or should consider delivering the same level of service.”

“Fire suppression capability will vary from none, to aggressive interior structural firefighting and rescue, with effective firefighting apparatus and adequate fireground staffing.

• Where rescue and interior firefighting are not ordinarily possible due to staffing and intervention time criteria, added emphasis should be placed on:

- public education
- fire prevention
- early detection
- built-in suppression systems
- resident self-responsibility”

“Policy Requirements: Every authority providing basic fire suppression services shall ensure that the services can be provided in its jurisdiction(s) 24 hours a day by one of the above options. Every authority shall make known to the public, the types and services levels provided.”

From the 2011 staff report to council (Auto Ex Report 07/10/11/402) and information gathered at that time...

Ontario Fire Marshal Municipal Advisor Dan Koroscil - 2011...

"Hi Kevin - Melinda Reith asked about this issue a while back.

Head, Clara & Maria are not part of mutual aid therefore they are not obliged to continue participating in the auto extrication agreement with Deep River and Laurentian Hills under the Rescue Committee because they have no fire department.

If you and Deep River want to cover only within your municipal boundaries you can change the agreement to say that and advise dispatch there is no coverage in Head, Clara & Maria.

There is no longer any funding support for highway response so there is no obligation to service outside your municipal boundaries and some departments are taking that stand or you can continue as in the past to cover the highway and just charge MTO or the insurance company directly to recover your costs.

Hope this helps to clarify the issue

*Regards
Dan*

----- Original Message -----

From: Kevin Waito <fire_lh@town.laurentianhills.on.ca>

To: Koroscil, Dan (JUS)

Sent: Thu Mar 11 20:23:22 2010

Subject: auto ex

Dan

I attended a tri council meeting tonight with Head Clara and Maria, Deep River and Laurentian Hills. One of the municipalities asked the question of Chief Hogue and I what the legalities of opting out of auto extrication were. We did not have an answer I was wondering if you knew or could steer me in the right direction to get the answer.

Yours in Fire Safety, Kevin Waito, Fire Chief, Laurentian Hills Fire Dept."

Ontario Fire Marshal Municipal Advisor, Tawnya Roberts – 2011

On Tuesday, October 4, 2011 I spoke with Tawnya Roberts, OFM Municipal Advisor concerning Council's decision to discontinue participation in the auto-ex agreement with Deep River and Laurentian Hills.

Tawnya has explained that any decision is a decision of Council and that the OFM will not make any comments one way or another. Each municipality has the option of providing this service or not. She did mention that other municipalities who have mutual aid agreements have opted out of auto-ex; in some of these incidents, their "mutual aid" partners filled in to provide coverage.

This has happened recently in Killaloe, Haggarty and Richards where Council felt that they did not have the resources to effectively cover their own municipality while responding to heavy extrication calls. They needed time to "get their house in order" prior to making a decision on whether or not to continue the provision of this service. Each decision must be

made on risks and what services each department wants to provide, what they do provide they must ensure that they do it well.”

MIS Insurance, Bill Riley – 2011

“I have been assured by our municipal insurance provider that so long as Council has made its decision using a cost/benefit analysis (as Dan Koroscil has previously expressed) there is no opportunity for the municipality to be held liable for not providing the service. The service is not mandatory; it is Council’s decision. If we are named in the event of an accident our insurer is confident that he can successfully defend us. Although not a lawyer, he is speaking from experience. Don’t let the threat of liability sway this decision.”

Options/Discussion:

Financial Considerations/Budget Impact:

Policy Impact:

As per policy.

Others Consulted:

Dan Koroscil, Ontario Fire Marshal Municipal Advisor
Tawnya Roberts, Ontario Fire Marshal Municipal Advisor
Bill Riley, Municipal Insurer, MIS Insurance
Ontario Community Safety and Correctional Services website
Ontario Provincial Police – for statistics

Approved and Recommended by the Clerk

Melinda Reith,
Municipal Clerk

Melinda Reith