



CITY OF HAMILTON
PUBLIC WORKS DEPARTMENT
Environmental Services Division

TO:	Chair and Members General Issues Committee
COMMITTEE DATE:	September 18, 2024
SUBJECT/REPORT NO:	Delegated Authority for Municipal Aid Agreements (PW24053) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Robyn Pollard (905) 546-2424 Ext. 3919
SUBMITTED BY:	Cynthia Graham Director, Environmental Services Public Works Department
SIGNATURE:	

RECOMMENDATION

- (a) That the City of Hamilton delegate authority to the General Manager, Public Works to enter into mutual aid agreements where it is operationally feasible to do so, and there is no additional labour and material cost to the City, in a form satisfactory to the City Solicitor and Risk Management, an example of which is shown in Appendix "A" PW24053;
- (b) That the City Solicitor or their delegate be authorized and directed to take all necessary steps and execute all necessary documents to complete and enter into mutual aid agreements if requested by the General Manager, Public Works; and
- (c) That the applicable Public Works Director be directed to provide, within a reasonable timeframe, a Communication Update to Council when a Mutual Aid Agreement has been authorized.

EXECUTIVE SUMMARY

The purpose of this report is to seek delegated authority for the General Manager, Public Works to enter into Mutual Aid Agreements, provided it is operationally feasible and incurs no additional labour or material costs to Hamilton. These agreements are

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

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essential in the event that a fellow municipality faces a localized event or incident, and they require external support to ensure an adequate response.

For example, on May 21st, 2022, a severe weather event caused varying degrees of damage to trees within municipalities in Ontario including Hamilton, Peterborough, and Ottawa. The City of Hamilton experienced a moderate increase in storm-related service requests, while Peterborough and Ottawa experienced an overwhelming number of service calls and severe impacts, leaving many without power. Consequently, the City of Hamilton received requests from the City of Ottawa and the City of Peterborough to provide support for the clean-up of tree debris and hazardous trees.

As the impact of the weather event was less severe in Hamilton, City staff determined the requested assistance was feasible within operational resources. City of Hamilton staff acted on the requests and negotiated mutual aid agreements to provide support. Separate agreements were drafted, reviewed, and preceding Council notification through Communication Update ES22007 on June 6, 2022, signed by the Acting General Manager, Public Works within the City of Hamilton, the Manager of Emergency Management, Insurance & Risk Management for the City of Peterborough, and the Director of Parks Maintenance and Forestry Services for the City of Ottawa.

Urban forestry support was provided to the City of Ottawa from June 13th to 17th, 2022, and to the City of Peterborough from June 20th to 24th, 2022. Both municipalities expressed their appreciation for the support.

Through Communication Update ES22007, staff committed to bring a report to Council to standardize mutual aid agreement conditions and to establish delegated authority for future mutual aid agreements.

The recommendations of Report PW24053 include authorizing the delegated authority for the General Manager, Public Works to be able to enter into Mutual Aid Agreements for any Public Works operational works. This will enable staff to act on requests of any nature within the scope of Public Works to assist other municipalities in times of need, promptly and where operational feasible, ensuring that proper procedures are followed.

While the examples provided are all forestry-related, it can be anticipated that other circumstances may arise where Hamilton has operational capacity to assist at no cost to the City and could do so with this delegated authority.

Alternatives for Consideration – See Page 7

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

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Financial: The financial implications associated with the recommendations will be established within each agreement, but are typically limited to cost recovery for salaries, accommodation, overtime, per diems, benefits, fuel, parts, and materials (e.g. chainsaw oil, chainsaw chain, etc.) and would be borne by the requesting municipality.

Normal wear and tear costs will be incurred by the City of Hamilton on all equipment provided to the requesting municipality; however, staff are trained on equipment so the expense should be similar to maintenance of the equipment within Hamilton for storm-related and or hazardous tree work.

Staffing: Staff morale and pride in their workplace are elevated through the participation in mutual aid. However, in sending staff and equipment to other municipalities, there will be an effect on service delivery within the City of Hamilton. Service delivery for some work may be negatively affected. Due to this, when a request is received, staff would review current delivery levels in determining whether requests could be accommodated while maintaining reasonable service delivery levels.

Legal: Legal Services will be required to assist in the preparation of mutual aid agreements.

Management will request through Labour Relations that both the CUPE 5167 and 1041 Unions be provided notice where staff will be working outside of the City of Hamilton to provide aid.

HISTORICAL BACKGROUND

The City of Hamilton has staff representation within the Regional Public Works Commissioners of Ontario (RPWCO) including the Manager of Forestry and Horticulture, who is a member of the RPWCO Urban Forestry Subcommittee. In the past, members of this subcommittee have partnered with RPWCO municipalities to provide urban forestry support to reduce the impact of severe weather events where events exceed existing resources to ensure health and safety concerns were mitigated promptly. This experience highlights the need for delegated authority to the General Manager, Public Works in the future, should assistance be sought by fellow municipalities.

As outlined in Communication Update ES22007, due to a severe weather event on Saturday, May 21, 2022, the City of Hamilton received two separate requests to provide urban forestry support in the clean-up of tree debris and hazardous trees by staff representatives from the City of Ottawa and the City of Peterborough, as both

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municipalities were faced with widespread damage which exceeded their staff resources to address.

The requests were received through separate channels. The first request was from the City of Ottawa and was sent through the City of Ottawa's Parks Maintenance and Forestry Services Section Manager. They are a member of the RPWCO Urban Forestry Subcommittee. The second request came from the Provincial Operations Centre and was sent to the City of Hamilton's Senior Emergency Manager in Healthy and Safe Communities. At the time, neither municipality had mutual aid agreements in place with the City of Hamilton.

The impact of the weather event on May 21, 2022, was less severe in Hamilton, therefore, although Forestry staff were dispatching crews to storm-related service requests within the City of Hamilton, both requests for assistance were able to be actioned immediately. Forestry staff estimated that due to the limited impact and current service level operations, aid could be provided to both requesting municipalities if the appropriate permissions to send Forestry staff and equipment were obtained.

With no pre-existing mutual aid agreements in place, and because of the rarity of the request, it was not clear to staff what the next steps were. As a result, a significant amount of time was taken by the leadership in Public Works in consultation with support staff in Legal and Risk Management Services, Financial Planning Administration & Policy, and Employee Health & Labour Relations to navigate the task of assisting.

Through the RPWCO Urban Forestry Subcommittee, a template for mutual aid was provided to the City of Hamilton, which acted as a starting point to negotiate the terms with each municipality under which assistance would be provided, including hours of work for the staff, the process of recovering expenses through invoices, insurance, and Workplace Safety and Insurance Board (WSIB) coverage. Separate agreements were drafted, reviewed, and preceding Council notification through Communication Update ES22007 on June 6, 2022, signed by the General Manager, Public Works for the City of Hamilton, the Director of Parks Maintenance and Forestry Services for the City of Ottawa, and the Manager of Emergency Management, Insurance & Risk Management for the City of Peterborough.

City of Hamilton Labour Relations and Forestry section leadership met virtually with representatives of CUPE 5167 to provide details of the requests and the plan to assist. In the meeting, all union representatives provided support for the action and had no concerns related to the collective bargaining agreement, based on the assignment being strictly voluntary, and offered to employees based on seniority.

The City of Hamilton provided the agreed-upon support to Ottawa and Peterborough in June 2022; receiving appreciation for the much-needed assistance. Upon review of

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work orders and timesheets, invoices were issued including all City of Hamilton expenses related to fuel, salaries, overtime, per diem, equipment, and accommodations.

As outlined in Communication Update ES22007, in anticipation of an increase in the frequency of extreme weather events in Ontario and requests for assistance from municipalities in the future, as well as the likelihood of requiring assistance, staff agreed to bring a report to standardize mutual aid agreement conditions and to establish delegated authority to enter into these mutual aid agreements. Report PW24053 fulfills this commitment.

On March 22, 2023, through an RPWCO Urban Forestry Subcommittee meeting members reviewed and agreed to utilize Appendix "A" attached to Report PW24053 – Regional Public Works Commissioners of Ontario (RPWCO) Mutual Aid Agreement Template for future mutual aid between member municipalities.

The recommendations of Report PW24053 are the outcome of the steps taken in May and June 2022 to authorize mutual aid agreements and the Regional Public Works Commissioners of Ontario (RPWCO) meeting which has provided a template to follow in the future for requesting, negotiating, and providing aid to municipalities in Ontario.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The City of Hamilton has collective agreements with the Canadian Union of Public Employees (CUPE) Local 5167 and Local 1041 which would govern the management of both front-line and supervisory staff that would make up the crews sent to requesting municipalities. The terms and conditions of the collective agreements would be followed on occasions while working outside the geographical limits of the City of Hamilton.

In addition, staff are covered under the Workplace Safety and Insurance Board (WSIB).

The Occupational Health and Safety Act (OHSA) continues to apply as our employees will be continuing their regular work, notwithstanding that the work is outside of the geographic limits of the City of Hamilton.

Although there is no formal policy, to ensure minimum service levels and response to storm-related tree work is feasible, management staff would review current staffing levels and service delivery to ensure the required number of crews are held back to work as usual within the City of Hamilton.

The Highway Traffic Act, Ontario Regulation 555/06, requires drivers to log driving records through an electronic logging device. City of Hamilton vehicles are not equipped due to exemptions provided to drivers through the regulation based on the distance

vehicles drive within the municipality. In an instance where drivers operate City of Hamilton vehicles outside city boundaries, drivers would be exempt as per Exemptions from Regulation section 3.(1) 4.1; "A vehicle operated by or on behalf of a Municipality, road authority or public utility while responding to a situation or impending situation that constitutes an imminent danger, though not one of major proportions, to life, property or the environment, whether caused by forces of nature, an accident, an intentional act or otherwise." While exempt, driving records will be recorded to provide supporting documentation of the exemption.

This delegated authority would only apply to requests from other municipalities for aid from City of Hamilton. If there were circumstances where the City of Hamilton required assistance due to extreme events, a report to Council to outline a possible request for help would be prepared for consideration and approval.

RELEVANT CONSULTATION

The following internal groups were consulted and supported the recommendations of Report PW24053:

- Legal and Risk Management Services Division - Legal Services
- Financial Planning Administration & Policy Division - Finance and Administration
- Employee Health & Labour Relations Division - Labour Relations
- Corporate Asset Management Division - Regulatory Compliance & Driver Training

Additionally, the intent of Report PW24053 is supported by Regional Public Works Commissioners of Ontario Urban Forestry Subcommittee.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

As outlined in Communication Update ES22007, Hamiltonians will remember the significant clean-up efforts after the December 2013 ice storm where Forestry staff and private contractors worked tirelessly for a significant period to manage the severe impact on trees. Therefore, staff want to assist where possible to assist other municipalities by receiving a municipal aid response in a time of need.

The recommendations of Report PW24053 include authorizing the delegated authority for the General Manager, Public Works to be able to enter into Mutual Aid Agreements for any Public Works operational works. This will enable staff to act on requests of any nature within the scope of Public Works to assist other municipalities in times of need, promptly and where operational feasible, ensuring that proper procedures are followed. While the examples provided are all forestry-related, it can be anticipated that other circumstances may arise where Hamilton has operational capacity to assist at no cost to the City and could do so with this delegated authority.

ALTERNATIVES FOR CONSIDERATION

If Council does not delegate authority to the General Manager, Public Works to enter into mutual aid agreements with requesting municipalities as recommended within Report PW24053, agreements will require the City Manager or Council approval on an individual case-by-case basis which will significantly increase the time it takes for the City of Hamilton to act on such requests and may reduce the assistance that the City of Hamilton can provide to the requesting municipality. Staff do not recommend this alternative.

Financial: Financial impacts are the same for this alternative as per the recommendation in Report PW24053.

Staffing: Additional staff time will be required for this alternative, as a report to committee would be necessary to get the authorization to enter into a mutual aid agreement.

Legal: Agreement review by Legal Services would be required for this alternative but is anticipated to be similar in time and effort as per the recommendation in Report PW24053.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report PW24053 – Regional Public Works Commissioners of Ontario (RPWCO) Mutual Aid Agreement Template

Appendix "B" to Report PW24053 – Forestry sending help to Ottawa and Peterborough (City Wide) (ES22007)