



Report to: General Committee

Meeting Date: February 14, 2022

SUBJECT: Mutual Aid and Assistance Agreement for Ontario
Water/Wastewater Agency Response Network (OnWARN)
PREPARED BY: Danny Chan, Manager, Business Administration - ext. 2446
Vincent Feng, QMS Coordinator – ext. 2737

RECOMMENDATION:

- 1) That the report titled “Mutual Aid and Assistance Agreement for Ontario Water/Wastewater Agency Response Network (OnWARN)” be received; and,
- 2) That the Director of Environmental Services be authorized to execute a Memorandum of Understanding (“Agreement”) to participate in the Ontario Water/Wastewater Agency Response Network (“OnWARN”) program, provided the form of the agreement is satisfactory to the Commissioner of Community Services and the City Solicitor; and,
- 3) That any expenditures by the Environmental Services Department in connection with responding to or requesting emergency aid and assistance pursuant to the Agreement adhere to the Expenditure Control Policy and the Purchasing Bylaw 2017-8; and,
- 4) That the Director of Environmental Services be authorized to act as “Authorized Official” under the Agreement and to carry out the responsibilities of the Authorized Official as described in the Agreement, including the following:
 - a. To decide whether to respond to requests for assistance from other requesting member participants of OnWARN;
 - b. To respond to requests for assistance from other requesting member participants of OnWARN;
 - c. To determine the extent of aid or assistance to be provided to requesting member participants of OnWARN;
 - d. To request assistance from participating members of OnWARN if required; and
 - e. To withdraw from the OnWARN at his or her sole discretion.
- 5) That the Director of Environmental Services be authorized to administer the City’s participation in OnWARN; and
- 6) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

EXECUTIVE SUMMARY:

N/A

PURPOSE:

The purpose of this report is to seek Council authorization for the City to enter into agreement to participate in the Ontario Water/Wastewater Agency Response Network (“OnWARN”) program with other government entities and agencies, to administer the terms and conditions for providing and requesting aid and assistance relating to water and wastewater utilities in emergency situations.

BACKGROUND:

The City owns and operates: the water distribution system comprised of over 1000 km of watermains, valves, hydrants and water meters; the wastewater collection system comprised of five (5) sanitary pumping stations and over 900 km of sewer mains. The Environmental Services (“ES”) Department is the operating authority of the waterworks infrastructure and ES is responsible for the operation and maintenance for both, the water distribution and wastewater collection systems. ES staff conduct year-round maintenance activities such as water quality sampling, flushing, and watermain and sewer repairs to ensure that regulatory requirements and waterworks service levels are met.

In the event of emergencies such as ice storms, power outages, health pandemics, etc., water and wastewater services may be interrupted for extended periods of time and additional resources may be required for business continuity. It is important for the City to acquire the necessary equipment or qualified personnel in a timely manner to maintain essential services.

The Ontario Water/Wastewater Agency Response Network (OnWARN) is a voluntary, province-wide mutual aid program for water/wastewater utilities. The objective of the program is to provide rapid, short-term deployment of emergency resources and to restore crucial operations of the affected utility. OnWARN is a well-established program in Ontario with over 60 members and it is based on similar mutual aid WARN models across the United States and Canada. The program matches utility resources, such as equipment and trained personnel to specific needs during an emergency. There is no membership cost.

Currently, the City is not a participating member of OnWARN. The City can provide or request emergency assistance for its water and wastewater utilities from other municipalities and determine the terms and conditions of such assistance on a per request basis. However, participating in OnWARN would connect the City with other municipalities who are members of the program in the event of an emergency situation where the City requires assistance for its water and wastewater utilities. The terms and conditions of providing and requesting assistance from other members would be set out in the Agreement rather than the parties having to create a new agreement each time assistance is provided. This would improve the City’s Waterworks’ emergency preparedness and could expedite its response to potential disruptions.

OPTIONS/ DISCUSSION:**Memorandum of Understanding for an Ontario Water/Wastewater Agency Response Network (OnWARN)**

In order to participate in OnWARN, the City would need to execute the Memorandum of Understanding titled the “Mutual Aid & Assistance Agreement for an Ontario Water/Waste Water Agency Response Network (OnWARN)” (the “Agreement”). This is a standard form agreement that sets out the terms for the administration of the program and the general terms and conditions for providing and requesting aid.

Participating in OnWARN would provide the City access to a large network of waterworks utilities and their resources, including several neighbouring municipalities (e.g. Regional Municipality of Durham, Town of Whitchurch-Stouffville, Town of East Gwillimbury, Town of Aurora and Township of King) and beyond. In the event of an emergency impacting the region, membership to OnWARN would allow the City to seek resources outside of the local area.

There is no cost to joining OnWARN and the program offers flexibility. Members are not obligated to respond to calls for assistance and they can evaluate their own needs prior to offering assistance to other members. The City will evaluate its own needs and available resources before offering assistance. Participating in OnWARN would strengthen the City’s emergency preparedness and it would be included in the existing emergency management protocol at the departmental level through the ES Departmental Operations Centre (DOC) or through the City’s Emergency Operates Centre (EOC), if activated.

A summary of the main terms of the Agreement are as follows:

- Requests for assistance shall be directed to the Authorized Official of the participating Member.
- Members are not obligated to respond to a request for assistance from a Requesting Member. After a Member receives a request for assistance, the Authorized Official evaluates whether or not to respond, whether resources are available to respond, or if other circumstances would hinder response.
- Control – While Employees deployed in response to a request for assistance will be under the supervision of the Responding Member, the Responding Member’s employees come under the direction and control of the Requesting Member, to address the needs identified by the Requesting Member.
- Licences and Permits – To the extent permitted by law, Responding Member personnel who hold licences, certificates, or permits evidencing professional, mechanical, or other skills shall be allowed to carry out activities and tasks relevant and related to their respective credentials during the specified Period of Assistance.

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- Right to Withdraw - The Responding Member's Authorized Official retains the right to withdraw some or all of its resources at any time for any reason in the Responding Member's sole and absolute discretion.
 - Cost Reimbursement - The Requesting Member shall reimburse the Responding Member for each of the following categories of costs incurred during the specified Period of Assistance:
 - Personnel
 - Equipment
 - Materials and SuppliesThe Responding Member may assume any such loss, damage, expense, or other cost incurred, or may loan such equipment or donate services to the Requesting Member without charge or cost to the Requesting Member.
 - Duty to Indemnify - The Requesting Member shall assume the defense of, fully indemnify and hold harmless, the Responding Member, its officers and employees, from all claims, loss, damage, injury and liability of every kind, nature and description, directly or indirectly arising from Responding Member's work during a specified Period of Assistance.
 - WSIB - The Responding Member is responsible for providing Workplace Safety and Insurance Board (WSIB) benefits and administering WSIB for its employees. The Requesting Member shall reimburse the Responding Member for all costs, benefits, and expenses associated with WSIB and other employee claims that arise from or are related to providing assistance under this Agreement.
 - Withdrawal - A Member may withdraw from this Agreement by providing written notice of its intent to withdraw to the OnWARN Steering Committee Chair. Withdrawal takes effect 60 days after the appropriate officials receive notice.

Staff in consultation with other affected departments reviewed the Agreement and found the terms and conditions to be reasonable. Staff from ES recommend that the Director of ES be delegated authority to execute the Agreement.

Level of Service & Regulatory Compliance

The deployment of resources such as emergency equipment, materials and personnel from other waterworks utilities will be directed by the ES department to meet the City's levels of service and to comply with requirements under the Safe Drinking Water Act (2002) and its associated regulations.

FINANCIAL CONSIDERATIONS

There is no cost to OnWARN membership. If the City responds to a request for assistance from another participating member, the Agreement provides that the member requesting assistance shall reimburse the City for costs associated with providing the assistance to the responding member.

In the event the City receives assistance from another municipality or entity, cost estimates and rates will be reviewed and agreed upon by both parties before assistance is accepted.

Any expenditures by the Environmental Services Department in connection with responding to or requesting emergency aid and assistance pursuant to the Agreement will adhere to the Expenditure Control Policy and the Purchasing Bylaw 2017-8.

HUMAN RESOURCES CONSIDERATIONS

The City will evaluate its own personnel needs before offering assistance.

ALIGNMENT WITH STRATEGIC PRIORITIES:

The recommendations of this report align with the strategic focus for a Safe, Sustainable & Complete Community through improved emergency preparedness to ensure the business continuity of services and infrastructure.

BUSINESS UNITS CONSULTED AND AFFECTED:

Financial Services, Fire & Emergency Services, Human Resources and Legal Services, reviewed this report and their comments have been incorporated.

RECOMMENDED BY:

Eddy Wu, P. Eng.
Director, Environmental Services

Morgan Jones
Commissioner, Community Services