



P.O. Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Item No 15.1.6

Regional Council
December 12, 2023

TO: Mayor Savage and Members of Halifax Regional Council

Original Signed

SUBMITTED BY:

Cathie O'Toole, Chief Administrative Officer

DATE: October 5, 2023

SUBJECT: **Administrative Order 2023-003-ADM Respecting the Municipal Registry of Volunteer Emergency Services Providers**

SUPPLEMENTARY RECOMMENDATION REPORT

ORIGIN

September 26, 2023 - Halifax Regional Council. Item 15.2.1. Volunteer Search & Rescue Grants Program – Fiscal Year 2023-24.

Moved by Councillor Kent, seconded by Councillor Russell

THAT that Halifax Regional Council amend the motion on the floor from the August 22, 2023, Regional Council meeting to:

...

4. Direct the Chief Administrative Officer to prepare a recommendation report with respect to the implementation of a Municipal Registry for Emergency Services Providers pursuant to Section 306 of the *Halifax Regional Municipality Charter*;

...

MOTION PUT AND PASSED UNANIMOUSLY

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter, SNS 2008 c 39:

3 (ab) “emergency services” means services related to the provision of emergency services, including fire services, emergency medical services, search and rescue, water rescue and assistance and protection for people and property in the event of disasters including, but not limited to, floods, hurricanes, motor vehicle accidents and chemical spills;

Section 306 (1) A body corporate may apply to the Municipality for registration as an emergency services provider to provide emergency services other than fire services.

- (2) The Municipality shall not refuse to register a body corporate that complies with this Act if
- (a) the Municipality is satisfied that the body corporate is capable of providing the services it has undertaken to provide;
 - (b) the body corporate carries liability insurance, as required by the Municipality; (c) the body corporate does not provide the emergency services for profit; and (d) the Municipality does not provide the same services for the same area.
- (3) A body corporate that applies pursuant to subsection (1) shall register in each municipality in which it provides emergency services.
- (4) A registered emergency services provider shall provide the Municipality with a list of specific services it will endeavor to provide and the area in which the services will be provided.
- (5) Registration continues in force until withdrawn by the Municipality for cause or the emergency services providers requests the registration be revoked.
- (6) The Municipality may grant or lend money, or guarantee a loan, for an emergency services provider for operating or capital purposes.
- (7) The Municipality may grant or lend assets, without charge, to a registered emergency services provider.
- (8) Registration does not make an emergency services provider an agent of the Municipality.
- (9) A registered emergency services provider is not a municipal enterprise to the *Finance Act*, 2008, c.39; 2002, c.38, s.23.

Assessment Act, SNS 1998 c 23:

Section 5 (1) The following property is exempt from taxation under this Act:

...

- (ia) the property of a fire department or an emergency services provider, registered pursuant to the Municipal Government Act, used directly and solely for community purposes or fund-raising activities of the department or provider;

RECOMMENDATION

It is recommended that Regional Council

1. Adopt Administrative Order 2023-003-ADM, *Respecting the Municipal Registry of Volunteer Emergency Service Providers*, as set out in Attachment 1 of this report; and
2. Subject to adoption of Administrative Order 2023-003-ADM, approve the acceptance of six (6) nonprofit organizations as registrants listed in Appendix A of the Administrative Order.

BACKGROUND

All three levels of government have fostered the role of volunteers to enhance a coordinated response to natural or human-induced disasters, evacuations and refuge, searches, communications, and aid to those citizens adversely impacted. HRM has, for example, formal agreements with volunteer search and rescue

teams and amateur radio clubs. In addition, Joint Emergency Measures (“JEM”) committees have been organized to help coordinate local assistance and provide input to the EMO Centre located in Dartmouth and a network of municipally recognized “comfort centres” has been established that may be used during an evacuation or as a place of refuge during an extended power outage or an extreme weather event.

In 2018, a recommendation report to the HRM Grants Committee and Regional Council proposed an evaluation of the Grants to Volunteer Search and Rescue/EMO Organizations Program and within this context the implications of initiating a Municipal Registry of Emergency Service Providers (“registry”) as permitted under Section 306 of the *HRM Charter*¹. This report explains the purpose and potential benefits of a registry.

Staff recommend HRM adopt registration policies and procedures under Administrative Order 2023-003-ADM included as **Attachment 1** of this report. In accordance with Administrative Order 54, the repeal, amendment, or introduction of a new Administrative Order requires a minimum of seven (7) days’ notice to Regional Council.

DISCUSSION

Rationale

A municipal registry affords HRM the opportunity to identify non-profit service providers², the type of service(s) they have the capacity to deliver, reduces the potential for overlap or duplication, and mandates that liability insurance is appropriate and sufficient. Legislation also expands the type of assistance the Municipality may provide to organizations accepted into the registry. This enhanced authority exceeds that of a conventional municipal grant program.

The establishment of a registry in advance of Council’s consideration of replacing an annual grants program with a Municipal Service Agreement model is recommended to enable the integration of these new funding options. The latter includes consideration of broadening assistance beyond ground search and rescue teams to include amateur radio clubs. However, although inclusion in a registry may be linked to financial assistance for *some* eligible organizations, inclusion on HRM’s registry does not de facto extend financing uniformly, or at the same level, to all parties named therein.

Enhanced Municipal Assistance Options

Subsection 306 (6) of the Charter allows the Municipality to lend money or guarantee a loan for a registered nonprofit emergency services provider which can be used for an operating or capital purpose. In some circumstances, this option could be used to mitigate barriers to market financing based on an organization’s credit rating, earned revenues, or the value of assets that would otherwise be considered in securing a line of credit, mortgage, or loan from a financial institution. The public interest could be secured by one or a combination of the following:

- by invoking the right of offset whereby any municipal payment due to the loan recipient would be reduced in an amount equal to an overdue loan payment due to HRM,
- the suspension of an organization’s eligibility under a municipal grant program if in default of the terms and conditions of a loan agreement,
- registration could be revoked for cause under subsection 306 (5) of legislation, or
- legal proceedings.

¹ Recommendation report to the October 2, 2018, meeting of Regional Council, Volunteer Search and Rescue Grants Program: Recommended Awards Fiscal Year 2018-2019, dated September 25, 2018, p.3.

² Clause 306(2)(c) restricts registration to non-profit service providers.

As proposed, Regional Council's approval is required for a loan specifying the terms and conditions of funding and HRM's interest secured by using one or a combination of the methods listed above.

Subsection 306(7) of legislation allows the Municipality to grant or lend assets, without charge. However, legislation does not preclude the application of a charge, for example a modest administrative fee. This option could be used to enhance the availability of expensive or specialized equipment throughout the region on an as-needed, fair, and equitable basis. For example, the loan of portable communications equipment, specialized transportation or transmission equipment, a portable generator or air conditioning unit, or water purification equipment.

If a fee is to be charged on equipment loans this will require the fee(s) be established by by-law and Administrative Order 2023-003-ADM will need to be amended to cross-reference.

Proposed Scope of Registry – Volunteer Ground Search and Rescue and Amateur Radio Clubs

To date, the Grants to Volunteer Search and Rescue/EMO Organizations Program has addressed only volunteer ground search and rescue teams but increasingly the role of amateur radio clubs is garnering attention and support. Although radio clubs have a well-established tradition of providing volunteers and equipment in support of government and relief agencies with communications during an emergency or disaster response when regular telecommunications are insufficient, are damaged, fail, or overloaded, their purpose is not exclusively that of an emergency service provider. Notwithstanding these radio clubs primarily support an interest-based leisure activity, the Industry Canada examination for an operator's license is highly technical and most club members have a related employment background³. The degree of specialization in both personnel, equipment, and training distinguishes the role of volunteers in ground search and rescue and telecommunications from, for example, JEM committees or owners of a facility used infrequently as a comfort centre. Under current practice, HRM's Memorandum of Understanding may require GSAR teams or radio clubs, or individual members of these groups, to use their own equipment in responding to an emergency or a government-initiated training or practice exercise. Larger equipment, for example, vehicles, transmitters, repeaters, or a trailer, is usually owned by the service provider. If deployed by HRM, the organization is reimbursed expenses and insured by the Municipality.

FINANCIAL IMPLICATIONS

The implementation of a Municipal Registry of Emergency Service Providers is an administrative function that can be accommodated within existing operational capacity.

The exemption of registered emergency service providers from real property tax represents an opportunity cost to the Municipality. In 2024, this cost is expected to be modest based on the recommendation that a combined total of six ground search and rescue teams and telecommunications providers be registered. For example, in 2023, three (3) GSAR organizations owned property assessed as taxable and received full exemption under Schedule 26 of the Tax Relief for Non-Profit Organizations Program⁴. Using the 2023 assessed value and municipal tax rates the combined opportunity cost was \$11,358.50 as shown below.

Organization	Total Tax (2023)
Eastern Shore Ground Search and Rescue Team	\$3,893.56
Halifax Regional Ground Search and Rescue Team	\$6,224.00
Musquodoboit Valley Ground Search and Rescue Team	\$0
Sheet Harbour and Area Ground Search and Rescue Team	\$1,240.94

³ For example, offshore or remote natural resources, military, marine industries, aeronautical, telecommunications businesses, electrical trades or engineering, or government.

⁴ HRM conveyed a surplus property to the Musquodoboit Valley Ground Search and Rescue Team but this change in ownership was not reflected in the 2023 tax roll.

Likewise, under the proposed redesign of the tax relief program the payment of a minimum tax of \$150 per property would realize only nominal revenues.

Both the Halifax and the Dartmouth radio club occupy municipal property under a non-exclusive license agreement and are not assessed taxable. However, if the number of organizations included in the registry expands and some or all of those listed own property, including property located in higher value markets, there will be an increase in the opportunity cost to HRM. Major capital improvements to property will also impact HRM's revenue loss.

RISK CONSIDERATION

Low. A municipal Registry of Emergency Services Providers is an administrative function that aids in the identification and coordination of nonprofit and charitable organizations that officially collaborate with municipal staff in training and the deployment of personnel and equipment.

Medium. The frequency of advancing municipal loans is expected to be very low given the risk associated with default and the consequences of distraining assets. The risk is moderated by securing the loan and by applying a maximum loan threshold not to exceed 75% of the property's assessed value. Using current assessed values (2023) for illustration purposes only, HRM's maximum risk exposure on a property would be under \$150,000 if the 75% loan threshold is applied as shown below.

Organization	Assessed Value (2023)
Eastern Shore Ground Search and Rescue Team	\$127,200
Halifax Regional Ground Search and Rescue Team	\$190,500
Musquodoboit Valley Ground Search and Rescue Team	\$ 58,700
Sheet Harbour and Area Ground Search and Rescue Team	\$128,200

Notwithstanding the risk associated with default, the Municipality has the right of set-off and could collect any overdue payment(s) by redirecting all or a portion of any municipal operating grant due to an organization in default of their obligations. As such, the risk is considered primarily reputational.

COMMUNITY ENGAGEMENT

The standards established by HRM Community Safety (Emergency Management Division) are in accordance with the *HRM Charter* and generally accepted practice. HRM staff provide training and hold regular meetings with volunteer service providers.

Although the concept of a Municipal Registry of Emergency Services Providers has been discussed previously with GSAR teams at their regular meeting with HRM operations staff, an advisory memorandum was sent to the teams by Fire and Emergency Services, dated September 30, 2019, to provide an update and a brief synopsis of what was proposed subject to Regional Council's approval. Community Safety staff also convened a meeting to update GSAR teams in 2023.

ENVIRONMENTAL IMPLICATIONS

No environmental implications were identified.

ALTERNATIVES

1. Regional Council could refuse to adopt Administrative Order 2023-003-ADM. The effect of which would be to not create a Municipal Registry of Emergency Services Providers.

This option is not recommended: the opportunity to broaden the scope of assistance to volunteer emergency service providers would be curtailed or delayed. Tax-exempt status could not be secured under clause 5(1)(ia) of the *Assessment Act* in the absence of a municipal registry; this provision in the legislation realizes an administrative efficiency for both GSAR teams and HRM.

ATTACHMENTS

1. Proposed Administrative Order 2023-003-ADM Respecting the Municipal Registry of Volunteer Emergency Services Providers.

A copy of this report can be obtained online at halifax.ca or by contacting the Office of the Municipal Clerk at 902.490.4210.

Report Prepared by: Peta-Jane Temple, Team Lead Grants & Contributions, Finance & Asset Management
902.490.5469; Erica Fleck, Director of Emergency Management, Community Safety
902.490.4213

**ADMINISTRATIVE ORDER 2023-003-ADM
RESPECTING REGISTRATION OF EMERGENCY SERVICES PROVIDERS**

WHEREAS the Council of the Halifax Regional Municipality values the contributions of residents who serve the public interest in a volunteer capacity;

AND WHEREAS the Council of the Halifax Regional Municipality wishes to support the efforts of local, registered non-profit or charitable organizations that provide emergency services as defined in Section 306 of the *Halifax Regional Municipality Charter*, SNS 2008, c 39;

BE IT RESOLVED AS AN ADMINISTRATIVE ORDER of the Council of the Halifax Regional Municipality under the authority of the *Halifax Regional Municipality Charter*, as follows:

Short Title

1. This Administrative Order shall be known as the *Municipal Registry of Emergency Services Providers Administrative Order*.

Interpretation

2. In this Administrative Order,

- (a) “applicant” means an organization applying for registration as an Emergency Services Provider under this Administrative Order;
- (b) “Amateur Radio Club” means a registered non-profit or charitable organization that is party to a signed service agreement with the Municipality to provide trained volunteers, equipment, amenities, or a facility in support of government and relief agencies during an emergency when regular telecommunications are insufficient, damaged, fail, or overloaded;
- (c) “charitable organization” means a charitable organization registered pursuant to the *Income Tax Act* (Canada) and the regulations made pursuant to that Act;
- (d) “Council” means the Council of the Halifax Regional Municipality;
- (e) “emergency services” means services, excluding fire services, related to the provision of assistance in the search and rescue of missing persons, telecommunications, an evidence search, the protection of people and property during an extreme weather event or responding to a natural or human-induced disaster;
- (f) “equipment loan” means the loan of municipal equipment to an Emergency Services Provider pursuant to Section 306 of the *Halifax Regional Municipality Charter*;
- (g) “Executive Director” means the position determined by the CAO to be the head of a department of the Municipality, and who is accountable to the CAO under section 36 of the *Halifax Regional Municipality Charter*;
- (h) “non-profit organization” means:
 - (i) a society incorporated pursuant to the *Societies Act*, RSNS 1989, c 435, as amended; or

- (ii) a non-profit organization otherwise incorporated pursuant to an Act of the Nova Scotia Legislature or the Parliament of Canada;
- (i) “Municipality” means the Halifax Regional Municipality; and
- (j) “Volunteer Ground Search and Rescue Organization” means a registered non-profit or charitable organization that is party to a signed service agreement with the Municipality to provide trained volunteers, equipment, amenities, or a facility in support of government and relief agencies in the rescue of missing persons, evidence searches, or emergency response and recovery.

Purpose

1. The purpose of this Administrative Order is to provide for the registration of Emergency Services Providers located within the geographic boundary of the Halifax Regional Municipality.

Eligibility

2. To be eligible for registration as an Emergency Services Provider, an applicant shall:
- (a) be a registered non-profit or registered charitable organization;
 - (b) be subject to a service agreement with the Municipality; and
 - (c) provide the following emergency services:
 - (i) volunteer ground search and rescue and emergency response services; or
 - (ii) volunteer telecommunications as an emergency-related public service.

Municipal Registry

3. A registered non-profit or charitable organization may apply in writing to the Municipality for registration as an Emergency Services Provider to deliver a service other than a fire service within the Municipality.
4. The Municipality may not unreasonably deny registration if the applicant complies with Section 306 of the *Halifax Regional Municipality Charter*.
5. Registration continues to be in force until withdrawn by the Municipality for cause or the Emergency Services Provider requests that registration be revoked.
6. Non-profit and charitable organizations admitted to the Registry of Emergency Services Providers by Council shall be listed alphabetically by category of service using the name under which the organization is incorporated and included in Appendix A of this Administrative Order, which shall form part of this Administrative Order.
7. An organization registered as an Emergency Services Provider is not an agent of the Municipality.
8. An organization registered as an Emergency Services Provider is not a municipal enterprise pursuant to the *Finance Act*, SNS 2010, c 2.

Registration Procedures

9. Upon application, an applicant shall provide the Municipality with the following documentation:
- (a) proof of registration as a non-profit or charitable organization;
 - (b) a complete copy of the applicant’s Articles of Incorporation, Constitution and By-laws, or Charter;

- (c) a list of the specific emergency services it will endeavour to provide to the Municipality;
- (d) the applicant's established record in providing the service(s);
- (e) the geographic area served by the applicant organization;
- (f) a list of equipment, training, amenities, facilities, or expertise that enables the applicant to provide the service; and
- (g) proof to the satisfaction of the Municipality that the applicant carries appropriate and sufficient liability insurance.

Evaluation of Registration Applications

10. The Business Unit responsible for Community Safety shall review all applications and make a recommendation to the Council with respect to:

- (a) the non-profit or charitable status of the applicant and confirmation that registration is in good standing;
- (b) the applicant does not provide the emergency service for profit;
- (c) the application is complete and meets the conditions set out in Section 3 and Section 9 of this Administrative Order;
- (d) the Municipality does not provide the same service(s) for the same geographic area;
- (e) the Municipality is satisfied that the applicant is capable of providing the services it has undertaken to provide to residents of the Municipality;
- (f) the applicant carries sufficient liability insurance, as required by the Municipality; and
- (g) the organization is in good standing with the Municipality with respect to any obligation, including financial, contractual, or any other obligations.

Registry Management

11. The Business Unit responsible for Community Safety shall be responsible for records management with respect to updating information submitted under Section 3 and Section 9 of this Administrative Order and for contract monitoring, including any financial reporting.

12. (1) Council may place an Emergency Services Provider under concerned status if the organization:

- (a) has a major financial deficit or shows evidence of not being financially viable;
- (b) does not meet their obligations pursuant to a service agreement with the Municipality; or
- (c) demonstrates management or governance practices that do not conform with generally accepted practices or standards for the sector.

(2) An Emergency Services Provider may remedy a concerned status in consultation with the Municipality. An Emergency Services Provider that does not remedy a concerned status may be removed for cause from the Registry.

13. An organization removed from the Registry may re-apply the following year and that application shall follow the same process as outlined in this Administrative Order for new applications.

I, _____, Municipal Clerk of the Halifax Regional Municipality, hereby certify that the above noted Administrative Order was passed at a meeting of the Halifax Regional Council held on _____, 2023.

Iain MacLean, Municipal Clerk

APPENDIX A

MUNICIPALLY REGISTERED EMERGENCY SERVICES PROVIDERS

The Council of the Halifax Regional Municipality has approved the addition of the following registered non-profit and charitable organizations to the Municipal Registry of Emergency Services Providers in accordance Section 306 of the *Halifax Regional Municipality Charter* and Administrative Order 2023-003-ADM.

1. Ground Search and Rescue Organizations

Registered Name	Registration Number
Easter Shore Ground Search and Rescue Team	1281746
Halifax Regional Ground Search and Rescue Team	1354895
Musquodoboit Valley Ground Search and Rescue Team	1527873
Sheet Harbour and Area Ground Search and Rescue Team	3076639

2. Amateur Radio Organizations

Registered Name	Registration Number
Halifax Amateur Radio Club	1270424
Dartmouth Amateur Radio Club Incorporated	1521808