



Staff Memo

Report To: South Huron Council
From: **Dan Best, Chief Administrative Officer/Deputy Clerk**
Date: August 13 2018
Report: CAO 2018-16
Subject: Acting Fire Chief

Recommendations:

That the memo of Dan Best, Chief Administrative Officer dated August 13, 2018 regarding the appointment of an Acting Fire Chief be received.

Purpose:

Information

Background and Analysis:

As Council is aware Section 6(1) of the *Fire Prevention and Protection Act, 1997*, provides that the Council of a municipality that has established a Fire Department shall appoint a Fire Chief for the Fire Department.

At this time, this Council is in lame and the resignation of the current Fire Chief creates some logistic challenges. More specifically, if a Council is in a 'lame duck' position, the Council shall not take on the following actions:

- a) The appointment or removal from office of any officer of the municipality;
- b) The hiring or dismissal of any employee of the municipality;
- c) The disposition of any real or personal property of the municipality which has a value exceeding \$50,000 at the time of disposal; and

d) Making any expenditures or incurring any other liability which exceeds \$50,000.

As the position of Fire Chief meets the definition of Officer, the requirements of the *Fire Prevention and Protection Act, 1997* and *Bill 68 Modernizing Ontario's Municipal Legislation Act* are in conflict. In addition, the Establishing and Regulating By-law offers no relief (despite the fact that a municipal by-law cannot overrule or be in conflict with a provincial Act) offers no solution as we do not have a Deputy-Chief position which would assume all duties of the Fire Chief in his absence or vacancy. Moreover, the current Establishing and Regulating By-law does not assist based on the role of the District Chief outlined below:

The District Fire Chief is in charge of the divisions of fire suppression, training, and apparatus and equipment in their district in a supervisory role under the direction of the Fire Chief. He/she will respond to alarms and assume command of the scene unless relieved by the Fire Chief, supervise fire ground activities to ensure officers and fire fighters operate in a manner consistent with established guidelines and accepted fire fighting methods, determine the causes of fires in conjunction with other officers, develop and implement an in-service training program and advise the Fire Chief of any changes in procedures or methods necessary to maintain or improve the fire training programs of the department, advise the Fire Chief of any repairs necessary to vehicles, equipment and stations, and perform any other duties as assigned by the Fire Chief.

Given the fact that the key role of the Fire Chief is to be administrative in nature as outlined in the establishing and regulating by-law:

The Fire Chief's role is administrative in nature and involves responsibility for the planning, co-ordination, operation and efficiency of the Fire Department. He/she is also responsible for the public education, fire prevention, and enforcement of the statutes of the Ontario Fire Code. The work is performed under the general direction of the CAO of the Municipality of South Huron.

At this time the vacating Chief has met a number of tasks related to his position in 2018. The major outstanding item is the mandatory inspections of vulnerable occupancies as outlined in O Regulation 364/13 which can be completed in the Fall of 2018. The assistance and guidance of the Fire Marshall's Office can be accessed.

Based on the above, the prudent course of action is to proceed on a short-term basis with an Acting Chief. This will allow us to ensure that our requirements under the *FPPA, 1997* are met and allow the opportunity for the following:

- New Council can appoint the new Fire Chief through by-law
- New Council can assist in the strategic direction of the organization and in particular the Fire Service
- The Fire Marshall's Office to be requested to come in and perform an audit to assist in developing the strategic direction. Please note that the FMO will only focus on compliance with the Act and not examine operations. This would be done separately through the service review and/or consultant.

In moving forward in this direction, a meeting was held between the CAO, Chief and District Chiefs to determine the level of interest amongst the group to take on the role of Acting Chief. After consideration, two District Chiefs chose to move forward. The Fire Chief and CAO convened two separate meetings with the two District Chiefs and subsequently came up with a decision on who would perform the Acting Fire Chief role.

Financial Impact:

There are no financial implications as a result of the actions outlined in this report.

Legal Impact:

There are no legal implications as a result of the actions outlined in this report

Staffing Impact:

There are no staffing implications as a result of the actions outlined in this report.

Policies/Legislation:

Fire Protection and Prevention Act, 1997
Establishing and Regulating By-law 18-2006

Consultation:

Fire Chief Andrew Baird

Related Documents:

None

Respectfully submitted,

Dan Best, Chief Administrative Officer/Deputy Clerk