

# STAFF REPORT

THE CORPORATION OF THE TOWN OF COBOURG



<b>Report to:</b>	Mayor and Council Members	<b>Priority:</b>	<input checked="" type="checkbox"/> High <input type="checkbox"/> Low
<b>Submitted by:</b>	Gene Thompson, Deputy Fire Chief, Cobourg Fire Department, <a href="mailto:gthompson@cobourg.ca">gthompson@cobourg.ca</a>	<b>Meeting Type:</b>  Open Session <input checked="" type="checkbox"/> Closed Session <input type="checkbox"/>	
<b>Meeting Date:</b>	August 23, 2021		
<b>Report No.:</b>	Chief Administrative Officer-032-21		
<a href="#">Submit comments to Council</a>			

**Subject/Title:** Fire Communications Service Agreement

## RECOMMENDATION:

THAT Council receive the report from the Deputy Fire Chief for information purposes; and

FURTHER THAT Council authorize the Municipal Clerk and Mayor to enter into a 5-year single multi-party agreement with the County and 7 member municipalities for the administration of fire dispatch communications.

## 1. STRATEGIC PLAN

N/A

## 2. PUBLIC ENGAGEMENT

N/A

## 3. PURPOSE

The purpose of this report is an update of the Fire Communications Service Agreement for the Corporation of the County of Northumberland and the City of Peterborough.

## 4. ORIGIN AND LEGISLATION

In 2015, County Council passed a resolution to support the transition of costs for County wide dispatch services from the member municipalities to the County

budget. Each municipality was asked to pass resolutions in support of this. The procurement process followed the County purchasing by-law and procurement best practices.

There is currently not an approved agreement outlining terms and conditions for the delivery of fire dispatch communications.

## 5. BACKGROUND

In September and October 2015, the member municipalities in Northumberland County and the Corporation of the County of Northumberland County, all passed resolutions that the administration of fire dispatch communications and related costs be allocated through the levy upon being transferred to the County. The actual fire response remained a responsibility of the member municipalities. This process was developed to ensure a consistent and integrated dispatch service to all municipal fire services within the County as well as to streamline the procurement and contract management processes.

On October 21, 2015, Northumberland County Council awarded RP 14-01 to Peterborough Fire Services for a 5-year term. A draft agreement outlining terms and conditions was prepared but did not receive final approval by Peterborough Fire Service. Despite the lack of formal approval, from January 2016 to December 2020, Northumberland County sustained the purchase of fire dispatch service from Peterborough Fire Service through a Purchase Order agreement and payment of invoices received from Peterborough Fire Services. The service was provided in a professional manner without disruption and meeting expectations throughout that period.

In May 2020, Northumberland County approached Peterborough Fire Service for a 5-year renewal to provide fire dispatch to the County's member municipal fire departments. In November 2020, Peterborough Fire Service provided a new draft Fire Communications Services Agreement 2021-2026.

The new draft agreement outlines terms and conditions and identifies the City of Peterborough's position as specific to having one agreement with all 7 member municipalities in Northumberland County in addition to the City of Peterborough and Northumberland County.

The position of Northumberland County and the 7 member municipalities remains that Northumberland County is responsible for the administration of fire dispatch to the municipal fire departments and actual fire response remains a responsibility of the member municipalities. The relationship being that the County is the service provider for fire dispatch with the responsibility to contract with a company to deliver the service. In essence, there are two agreements; one between the County and member municipalities for a shared service authorizing the County to provide fire dispatch; and the second between the County and Peterborough to deliver fire dispatch.

In December 2020, Peterborough Fire Service informed the County that the City of Peterborough Solicitor would not discuss the draft contract with Northumberland County staff. The solicitor's opinion is "the issue is that, generally, a municipality can only provide a service within its own territorial limits unless another

municipality that has jurisdiction to provide the service consents to the provision of the service in that municipality. Fire services are delivered at the local level. In a 2-tier system, that means the Townships unless jurisdiction has been transferred to the County. I understand that jurisdiction for fire services has not been transferred to Northumberland County. So, Northumberland County (like Peterborough County) may be a party to a fire services dispatch agreement to the extent that the County is involved in financial administration, but the local municipalities (Townships) are necessary parties to the agreement because it relates to fire services within their territorial limits.”

In January 2021 Northumberland County and 7 member municipalities approved a Consent to Joint Retainer to engage the legal services of Templeman LLP to collaborate with City of Peterborough Solicitor. In April 2021, Templeman advised Northumberland County that the City of Peterborough is only willing to proceed on the basis of a single multi-party agreement.

Fire dispatch service to fire departments in Northumberland County remains activated through a 2021 Purchase Order Agreement and payment of invoices received from Peterborough Fire Services. There are no approved terms and conditions of contract service.

### **Consultations**

On March 5, 2021, Ken Stubbings, Northumberland County Health Safety Emergency Risk Manager, met with Tim Blake Northumberland County Fire Coordinator, Gene Thompson, Alternate Fire Coordinator, and staff from Peterborough Fire Services. Everyone in attendance, accepted Northumberland County’s position for two agreements.

Ken Stubbings has informed Tim Blake and Gene Thompson through email, for the City of Peterborough’s position for a single multi-party agreement.

Jennifer Moore, Northumberland County CAO, has informed the Northumberland CAO Committee on the progress for obtaining an agreement with the City of Peterborough. The 7 member municipalities are aware that each municipality may need to enter a single multi-party agreement to resolve the disagreement.

## **6. ANALYSIS**

### **Discussion/Options**

**Option 1:** Northumberland County and 7 member municipalities agree that the next step in resolving the stalemate for an agreement with the City of Peterborough is purely for administrative reasons to enter a 5-year single multi-party agreement. This option does not follow the theme of the 2015 resolutions to upload fire dispatch to the County. However, this is the most expedient way to finalize the contract renewal given the position taken by the City of Peterborough. This option also ensures uninterrupted service.

**Option 2:** Northumberland County continue with the 2021 Purchase Order Agreement and cease being the administrator of fire dispatch in 2022. The member municipalities then retain responsibility for fire dispatch service. This

option creates some risk due to the lack of a detailed contract but ensures uninterrupted service.

**Option 3:** Northumberland County continue with the 2021 Purchase Order Agreement and advertise a new RFP for fire dispatch service beginning 2022. The new RFP will identify the term and conditions for the County as the sole responsibility to administer fire dispatch. This option would align with the direction previously approved by Councils. Although, it requires significant administrative work and may create operational impacts should a new provider be the successful bidder.

### **Member Municipality Impacts**

The member municipalities are directly impacted by any outcome.

1. Without a formal agreement with terms and conditions, the municipalities are at risk of litigation should a serious negative fire response occur.
2. If entering a single multi-party agreement, the member municipalities are not complying with the 2015 resolutions that administration and costs of fire dispatch be uploaded to the County.
3. If in 2022, the fire dispatch is downloaded back to the member municipalities, there is a risk of increase costs for administration and coordination of communications.

## **7. FINANCIAL IMPLICATIONS/BUDGET IMPACTS**

There are no additional costs currently associated with the recommendations of this report. Peterborough Dispatch has provided costs for fire dispatch service for the next 5 years, beginning in 2021. These costs have been included in the Health Safety Emergency Planning annual budgets.

## **8. CONCLUSION**

Northumberland County and 7 member municipalities agree that the next step in resolving the stalemate for an agreement with the City of Peterborough is purely for administrative reasons. The relationship between the County and 7 member municipalities remains that Northumberland County is responsible for administration of fire dispatch communications and related costs as allocated through the County levy. The County and 7 member municipalities enter a 5-year single multi-party agreement. Consideration for a new agreement will be given in 2026.

### **Report Approval Details**

Document Title:	Fire Communications Service Agreement - Chief Administrative Officer-032-21.docx
Attachments:	
Final Approval Date:	Aug 19, 2021

This report and all of its attachments were approved and signed as outlined below:

**Gene Thompson, Deputy Fire Chief- Aug 19, 2021 - 2:14 PM**

**Tracey Vaughan, Chief Administrative Officer - Aug 19, 2021 - 2:19 PM**