

Report to Community and Protective Services Committee

To: Chair and Members,
Community and Protective Services Committee

From: Cheryl Smith, Deputy City Manager, Neighbourhood and Community-Wide Services

Subject: Next Generation 9-1-1 Transition Funding Support – Transfer Payment Agreements

Date: March 21, 2023

Recommendation

That, on the recommendation of the Deputy City Manager, Neighbourhood and Community-Wide Services, the following actions be taken with respect to Next Generation 9-1-1 Transition Funding Support Transfer Payment Agreements:

- a) the attached proposed by-law (Appendix “A”) **BE INTRODUCED** at a special meeting of Municipal Council meeting on March 28, 2023, to:
 - a. approve the Next Generation 9-1-1 Transition Funding Support Transfer Payment Agreement, attached as Schedule A, between His Majesty the King in right of Ontario as represented by the Solicitor General and The Corporation of the City of London (London Police Service-Communications Section);
 - b. delegate authority to the Deputy City Manager, Neighbourhood and Community-Wide Services to execute the above-noted Agreement;
 - c. delegate authority to the Deputy City Manager, Neighbourhood and Community-Wide Services to approve and execute any further amending agreements to the above-noted Transfer Payment Agreement;
 - d. authorize the Deputy City Manager, Neighbourhood and Community-Wide Services, or written delegate, to execute any financial reports required under the Agreement; and,
 - e. delegate authority to the Deputy City Manager, Neighbourhood and Community-Wide Services to approve and execute a future agreement between The Corporation of the City of London and the London Police Services Board assigning the terms of Schedule ‘A’ of Appendix ‘A’ to the London Police Services Board; and
- b) the attached proposed by-law (Appendix “B”) **BE INTRODUCED** at a special meeting of Municipal Council meeting on March 28, 2023, to:
 - a. approve the Next Generation 9-1-1 Transition Funding Support Transfer Payment Agreement, attached as Schedule A to the proposed by-law between His Majesty the King in right of Ontario as represented by the Solicitor General and The Corporation of the City of London (London Fire Department-Communications Division);
 - b. delegate authority to the Deputy City Manager, Neighbourhood and Community-Wide Services to execute the Agreement;
 - c. delegate authority to the Deputy City Manager, Neighbourhood and Community-Wide Services to approve and execute any further amending agreements to the above-noted Transfer Payment Agreement; and,
 - d. authorize the Deputy City Manager, Neighbourhood and Community-Wide Services, or written delegate, to execute any financial reports required under the Agreement.

Executive Summary

This report recommends that the Corporation of the City of London enter the Next Generation 9-1-1 (NG 9-1-1) Transition Funding Support Transfer Payment Agreements between His Majesty the King in right of Ontario as represented by the Solicitor General, and the Corporation of the City of London (the “Recipient”), attached as Schedule A to the proposed by-laws. There are two

Transfer Payment Agreements attached to this report. The “Recipient” in Appendix A is the London Police Service and the “Recipient” in Appendix B is the London Fire Department.

Previous Reports Pertinent to this Matter

- [Next Generation 9-1-1 Authority Service Agreement with Bell Canada](#) (January 31, 2023)

Linkage to the Corporate Strategic Plan

The NG 9-1-1 Transition Funding Support fund is aligned with the following strategic area of focus and outcome from the City of London Strategic Plan 2019-2023:

Building a Sustainable City

- London’s infrastructure is built, maintained, and operated to meet the long-term needs of our community.

Strengthening Our Community

- Londoners have access to the services and supports that promote well-being, health, and safety in their neighbourhoods and across the city.

Analysis

1.0 Discussion and Considerations

1.1 Background and Purpose

In June 2017, the Canadian Radio-Telecom Commission (CRTC) directed telecom companies to upgrade their networks, as the current analog E9-1-1 network was reaching the end of its useful life and to prepare for the transition to Next Generation 9-1-1 (NG 9-1-1) voice and messaging services with Internet Protocol (IP) settings. This will enable Canadians to access new, enhanced, and innovative 9-1-1 services. For example, Canadians could stream video from an emergency incident, send photos of accident damage or a fleeing suspect, or send personal medical information, including accessibility needs, which could greatly aid emergency responders.

All 9-1-1 agencies in Canada currently providing E9-1-1 services must migrate to the NG 9-1-1 network by March 4, 2025, as E9-1-1 will be decommissioned. As primary and secondary Public Safety Answering Points (PSAPs), London Police Service (LPS) and London Fire Department (LFD) must upgrade their infrastructure to have the capabilities to receive, transfer and process NG 9-1-1 calls. Currently, both LPS and LFD have begun projects to transition to NG 9-1-1.

On April 14, 2022, the Ontario Government announced they were investing \$208 million over three years to enhance the province’s 9-1-1 emergency response system through the NG 9-1-1 Transition Funding Support Program. This funding will enable significant technology upgrades to support PSAPs in Ontario transition to the new NG 9-1-1 network.

The purpose of this report is to provide an overview of the Next Generation 9-1-1 Transition Funding Support submission and present for consideration of approval two Agreements between His Majesty the King in right of Ontario as represented by the Solicitor General and The Corporation of the City of London (the “Recipient”).

1.2 Next Generation 9-1-1 Transition Funding Support Submission

On November 28, 2022, the Ontario Government announced that the first round of funding for the NG 9-1-1 Transition Funding Support had opened. The first round of funding was intended to be utilized for new NG 9-1-1 technology and associated costs incurred in the 2022-2023 fiscal year (April 1, 2022, to March 31, 2023). Eligible costs could include hardware, software, licensing costs, project management, project resources, training and change management.

Municipalities were to work with each PSAP that operated within their boundaries to coordinate a separate submission for each PSAP and then submit on their behalf (i.e., one submission for LPS and one for LFD, as the Central Ambulance Communication Centres are provincially funded and operated). As part of the submission, each PSAP had to complete a readiness assessment

for their organization. The readiness assessment questions pertain to PSAP operations (i.e., number of PSAP workstations, calls for service, etc.) and the NG 9-1-1 transition plans. Supplementary documentation was also provided to demonstrate eligible expenditures incurred in the 2022-2023 fiscal year, as well as project and transition plans outlining steps taken to transition from the old Enhanced 9-1-1 system to the new NG 9-1-1 system by the March 4, 2025, deadline.

On March 2, 2023, the Province informed the applicants from the City of London, as well as PSAP contacts from the LPS and LFD, that their applications for the NG 9-1-1 Transition Funding Support fund were successful. In response to their submission, LPS was eligible for \$700,000 and LFD was eligible for \$900,000. For the funds to be transferred to the City for disbursement, an executed Transfer Payment Agreement for each approved application is required, dated no later than March 31, 2023.

2.0 Financial Impact/Considerations

The funds are intended to offset expenditures made by LPS and LFD to transition to NG 9-1-1 in the 2022-2023 fiscal year. LPS is eligible to receive \$700,000 in funding and LFD is eligible to receive \$900,000.

The 2023-2024 funding allocation under the NG 9-1-1 Transition Support program will be communicated to all applicants that applied for the initial funding stream when submissions for another round of funding opens later this year.

3.0 Risk Considerations

3.1 Indemnity

In Schedule 'A' of the Transfer Payment Agreements, Article 9.0 – Indemnity requires the City to indemnify and hold harmless the Minister from and against any loss or proceeding, unless solely caused by the Minister's negligence or wilful misconduct. Although this clause exposes the City to risk, the benefits of the Agreement outweigh the risks. The City mitigates these risks through project management and control measures, liability transfers and applicable insurance.

3.2 Payment of Funds to LPS

In entering into the Agreement with the province for funding for the LPS, the City assumes liability for the funds which are to offset costs incurred by the LPS to transition to NG 9-1-1 in the 2022-2023 fiscal year. Due to the relationship between the City and LPS as separate legal entities, the City has no control over how the funds are managed once they are in the possession or control of LPS. As such, there is some risk that the City may not be able to fulfill all of its obligations under Schedule 'A' of the Agreement once the City distributes the funds to LPS.

Specifically, Schedule A lists requirements which the City may not be able to agree to in the absence of any written agreement with the London Police Services Board assigning the rights and responsibilities to the Board. The provisions which concern Civic Administration include but are not limited to:

- a) A2.3 – Representations, Warranties, and Covenants – Governance

The City does not have full power to fulfill its obligations under the Agreement once the funds are distributed. The City does not have control and/or information with respect to written procedures that the LPS will manage the funds prudently and effectively and identify risks to the completion of the Project and address the risks.

- b) A4.3 – Use of Funds and Carry out the Project

The City has no control over how the Project is carried out. The Transfer Payment Agreement makes no note that the LPS is responsible for carrying out the Project.

c) A5.2 – Disposal

The City has no way of preventing the LPS from, without the Province's prior written consent, selling, leasing or otherwise disposing of any asset purchased or created with the Funds or for which the Funds were provided.

d) A13.2 – Consequences of Events of Default and Corrective Action

If, in the opinion of the Province, the City breaches any representation, warranty, covenant, or other material term of the Agreement, including failing to carry out the Project, use or spend funds, in accordance with the terms of the Agreement, such an event would constitute an Event of Default. The Agreement lists potential remedies as consequences of an Event of Default, which include a demand by the Province that the City repay any Funds that were provided.

To mitigate the risks of an Event of Default occurring and incurring liability to repay any funds that are deemed to have not been used in accordance with the Agreement, Civic Administration propose that the City enter into a future agreement with the London Police Board Services prior to dispensing the Funds to the LPS, which will contain the same terms as those in the Agreement.

Conclusion

The Next Generation 9-1-1 Transition Funding Support is intended to help Public Service Answering Points (PSAP's) transition to the new NG 9-1-1 infrastructure. Pending Council's approval, the funding allocated through the attached Transfer Payment Agreement will offset costs incurred by the London Police Service and London Fire Department from April 1, 2022 to March 31, 2023.

Prepared by: Cori Dooling, Manager, Emergency Communications System

Submitted by: Paul Ladouceur, Director, Emergency Management and Security Services

Recommended by: Cheryl Smith, Deputy City Manager, Neighbourhood and Community-Wide Services

c: Lynne Livingstone, City Manager
Patricia McIntyre, Acting Police Chief, London Police Service
Richard Hayes, Acting Fire Chief, London Fire Department
Alan Dunbar, Manager III, Financial Planning and Policy, Finance Supports
Jason Wills, Manager III, Risk Management, Legal Services
Grace Smith, Solicitor I, Legal Services
Doug Drummond, Financial Business Administrator, Finance Supports

Appendix A:

Bill No.
2023

By-law No.

A by-law to approve and authorize the execution of the Next Generation 9-1-1 Transition Funding Support Transfer Payment Agreement between His Majesty the King in right of Ontario, as represented by the Solicitor General and The Corporation of the City of London (London Police Service – Communications Section)

WHEREAS subsection 5(3) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a municipal power shall be exercised by by-law;

AND WHEREAS section 9 of the *Municipal Act, 2001* provides that a municipality has the capacity, rights, powers, and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS subsection 10(1) of the *Municipal Act, 2001* provides that a municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

AND WHEREAS subsection 10(2) of the *Municipal Act, 2001* provides that a municipality may pass by-laws respecting economic, social, and environmental well-being of the municipality, including respecting climate change; and the financial management of the municipality;

NOW THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

1. The Next Generation 9-1-1 Transition Funding Support Transfer Payment Agreement (the "Agreement") between His Majesty the King in right of Ontario, as represented by the Solicitor General and The Corporation of the City of London (London Police Service – Communications Section), substantially in the form attached as Schedule "A" to this by-law is hereby authorized and approved.
2. The Deputy City Manager, Neighbourhood and Community-Wide Services is delegated the authority to execute the Next Generation 9-1-1 Transition Funding Support Transfer Payment Agreement authorized and approved under section 1 of this by-law.
3. The Deputy City Manager, Neighbourhood and Community-Wide Services or written designate is delegated the authority to undertake all the administrative, financial, and reporting acts that are necessary in connection with the Agreement as approved in section 1, above.
4. The Deputy City Manager, Neighbourhood and Community-Wide Services, or written delegate, is delegated the authority to execute any financial reports required under this Agreements.
5. The Deputy City Manager, Neighbourhood and Community-Wide Services is delegated the authority to approve and execute a future agreement between The Corporation of the City of London and the London Police Services Board assigning the terms of Schedule 'A' of Appendix 'A' to the London Police Services Board.
6. This by-law shall come into force and effect on the day it is passed.
PASSED in Open Council on March 28, 2023

Josh Morgan
Mayor

Michael Schulthess
City Clerk

First Reading –
Second Reading –
Third Reading –

Schedule A: Next Generation 9-1-1 Transition Support Fund - Transfer Payment Agreement (London Police Service – Communications Section)

Appendix B:

Bill No.
2023

By-law No.

A by-law to approve and authorize the execution of the Next Generation 9-1-1 Transition Funding Support Transfer Payment Agreement between His Majesty the King in right of Ontario, as represented by the Solicitor General and The Corporation of the City of London (London Fire Department- Communications Division)

WHEREAS subsection 5(3) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, provides that a municipal power shall be exercised by by-law;

AND WHEREAS section 9 of the Municipal Act, 2001 provides that a municipality has the capacity, rights, powers, and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS subsection 10(1) of the Municipal Act, 2001 provides that a municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

AND WHEREAS subsection 10(2) of the Municipal Act, 2001 provides that a municipality may pass by-laws respecting economic, social, and environmental well-being of the municipality, including respecting climate change; and the financial management of the municipality;

NOW THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

1. The Next Generation 9-1-1 Transition Funding Support Transfer Payment Agreement (the "Agreement") between His Majesty the King in right of Ontario, as represented by the Solicitor General and The Corporation of the City of London (London Fire Department- Communications Division), substantially in the form attached as Schedule "A" to this by-law is hereby authorized and approved.
2. The Deputy City Manager, Neighbourhood and Community-Wide Services is delegated the authority to execute the Next Generation 9-1-1 Transition Funding Support Transfer Payment Agreement authorized and approved under section 1 of this by-law.
3. The Deputy City Manager, Neighbourhood and Community-Wide Services or written designate is delegated the authority to undertake all the administrative, financial, and reporting acts that are necessary in connection with the Agreement as approved in section 1, above.
4. The Deputy City Manager, Neighbourhood and Community-Wide Services, or written delegate, is delegated authorization to execute any financial reports required under this Agreements.
5. This by-law shall come into force and effect on the day it is passed.

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City Clerk

First Reading –
Second Reading –
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Schedule A: Next Generation 9-1-1 Transition Support Fund - Transfer Payment Agreement (London Fire Department – Communications Division)