



Staff Report

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Report To: Joint Committees

Date of Meeting: September 13, 2021

Report Number: CAO-004-21

Submitted By: Andrew C. Allison, CAO

Reviewed By:

Resolution#:

File Number:

By-law Number:

Report Subject: Appointment of Director of Emergency and Fire Services

Recommendations:

1. That Report CAO-003-21 and any related communication items, be received; and
2. That the By-law attached to Report CAO-003-21, as Attachment 1, appointing Mariano Perini as the Director of Emergency and Fire Services and Fire Chief, be approved.

Report Overview

On August 30, 2021, Mariano Perini began his employment with the Municipality of Clarington as the Director of Emergency and Fire Services. This report provides the background on the legislative and by-law requirements to complete the appointment. It also includes the necessary appointment by-law.

1. Background

- 1.1 After many years with the Municipality of Clarington, Gord Weir retired from his position as the Director of Emergency and Fire Services. Mariano Perini has been selected as his successor and began working for Clarington August 30, 2021.
- 1.2 There are several legislative considerations that need to be addressed to complete the appointment.

2. Legislation

Emergency Management and Civil Protection Act

- 2.1 Subsection 2.1(1) of the [Emergency Management and Civil Protection Act](#) states that “every municipality shall develop and implement an emergency management program and the council of the municipality shall by by-law adopt the emergency management program.” The plan must designate the Community Emergency Management Coordinator (CEMC).
- 2.2 Clarington adopted its emergency plan by [By-law 2004-170](#) and has updated it over the years, most recently with [By-law 2018-010](#), which states that the “designated CEMC for the Municipality shall be the Director of Emergency and Fire Services.”
- 2.3 Since the title is used, not the name, there are no changes required to this by-law.

Municipal Law Enforcement Officer By-law

- 2.4 [By-law 2003-103](#) appointed Gord Weir as a Municipal Law Enforcement Officer for the Municipality of Clarington, ostensibly to enforce the [Open Air Burning By-law](#). The current by-law indicates that the enforcement is done by “any employee, officer or agent of the Municipality whose duties include the enforcement of this by-law”. This is also consistent with [By-law 2018 100](#), arising out of [Report CLD-023-18](#), which “appoints all staff whose duties include enforcement of Municipal By-laws as Municipal Law Enforcement Officers”. Therefore, a new appointment by-law is not required, however, in the interest of clarity, it is advisable to repeal By-law 2003-103.

Fire Protection and Prevention Act

2.5 Subsection 6(1) of the *Fire Protection and Prevention Act* (FPPA) states:

“If a fire department is established for the whole or a part of a municipality or for more than one municipality, the council of the municipality or the councils of the municipalities, as the case may be, shall appoint a fire chief for the fire department.”

2.6 In the case of Chief Weir, the above requirement was satisfied by [By-law 2004-259](#) which amended [By-law 2001-125](#) by changing the name of the Director of Emergency Services/Fire Chief.

2.7 By-law 2001-125 is a by-law which appointed Department Heads as part of the 2001 departmental reorganization. Given the 2020 departmental reorganization, it is out of date and Staff are recommending it be repealed.

2.8 Therefore, to meet the above requirement of FPPA, Staff are recommending that the attached by-law, appointing Mariano Perini as Fire Chief, be approved.

3. Concurrence

This report has been reviewed by the Director of Legislative Services/Municipal Solicitor who concurs with the recommendations.

4. Conclusion

It is respectfully recommended that the draft by-law, appointing Mariano Perini as Director of Emergency and Fire Services and Fire Chief, be approved. This by-law also repeals 2003-103, 2001-125, and its unrepealed amendments (By-laws 2014-043, 2019-018, and 2018-067 are already repealed).

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Attachments:

Attachment 1 – Draft By-law appointing Mariano Perini as Director of Emergency and Fire Services/Fire Chief

Interested Parties:

There are no interested parties to be notified of Council's decision.