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Communications Interoperability Technical Report

TR-12-2008

**Voice Interoperability Governance:
Best Practices in Canada**

April 2008

Prepared by:

**PARAGON STRATEGIC SERVICES LTD. on behalf of York
Regional Police Service**

For the:

**Communications Interoperability Technology Interest Group
Canadian Police Research Centre**

Acknowledgements

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VOICE INTEROPERABILITY GOVERNANCE Canadian Arrangements and the SAFECOM Continuum

"The single greatest barrier to addressing the decades-old problems of interoperable communications has been the ***lack of effective, collaborative interdisciplinary and intergovernmental planning***"

US Government Accounting Office

In discussion with public safety personnel across Canada it is apparent that one of the most pressing issues facing the sector is the challenge of governing processes that span multiple organizations, and balancing the responsibility and authority that must be shared to truly achieve interoperability.

OBJECTIVES

The objectives of this project have included:

1. Identification of current interoperability agreements/arrangements in place throughout the country (throughout the SAFECOM continuum, from informal to highly formalized arrangements);
2. Consultation with participants in those arrangements to determine benefits and areas of potential improvement, including identifying impediments to participating in interoperability arrangements;
3. Identification of common approaches that appear to be achieving the most benefits;
4. Preparation of a summary document which outlines which arrangements are applicable to specific operating situations (for example, depending upon ownership/management of systems), from relatively simple Memorandums of Understanding to more formal models.



METHODOLOGY

Throughout this process a wide range of organizations and individuals were contacted via email or telephone, and a number of “governance arrangements” were identified (SEE SUMMARY AT APPENDIX A), a number of the more formal arrangements were summarized, and more than 20 sample documents were gathered from Canada and the United States.

There were some challenges accessing documents from organizations - some didn’t know where the documents were kept; others needed consent from signatories to release the documents. Requests are still outstanding to a number of organizations and, once received, will be provided.

DEFINING GOVERNANCE IN CANADA

The phrase “governance” is defined very differently in organizations across Canada. For the purposes of this study, governance is simply the formal process for making strategic and financial decisions, with clear lines of authority and responsibility.

The study found that there are a range of governance models in use in Canada; and that those governance models that have been formalized tend to focus on the acquisition, ownership and funding of shared radio systems.

INTEROPERABILITY GOVERNANCE ELEMENTS

All participants interviewed identified strong leadership as a prerequisite for a successful governance model, along with strong stakeholder consultation. In the SAFECOM continuum, there are five discrete areas in which governance advancement can be considered, and each will be considered in turn:

1. Decision-Making Groups
2. Agreements
3. Funding for Capital Improvements
4. Funding for Operating Costs
5. Strategic Planning¹

¹ From the SAFECOM Self Assessment <http://www.safecomprogram.gov/SAFECOM/selfassessment/>



In reviewing formal governance models in place in Canada, these factors are addressed to varying degrees. The charts that follow provide some context around how these factors are handled in a number of the provinces.

Decision-Making Group

DEFINITION: A "formal" decision-making group is one with a published agreement that designates its authority, mission and responsibilities

As the response stages progress from early to advanced stages, the formality, structure and inclusiveness of these groups increase²

Canada has a range of decision-making groups that drive governance. In British Columbia the Capital Region Emergency Services Telecommunications (CREST) Incorporated³ and E-Comm, (Emergency Communications for Southwest BC Inc⁴) radio systems have a mix of federal (RCMP), provincial and municipal members; correspondingly decisions are made within the corporate style Board of Directors of each of the organizations.

In a number of other provinces (Alberta, Nova Scotia, Ontario) the Province has significant authority and responsibility (commensurate with the funding contribution); however, all have processes and/or committees that solicit input from non-provincial entities. The Canadian models place significant emphasis on stakeholder consultation and involvement.

It is apparent that the provincial models have the ability to achieve policy objectives easier than the more "corporate" regional models, as there is a funding source to "seed" radios into smaller organizations as appropriate.

² From the SAFECOM Self Assessment <http://www.safecomprogram.gov/SAFECOM/selfassessment/>

³ CREST owns and operates a shared radio system with approximately 1800 users on behalf of police, fire ambulance and transit agencies in the Greater Victoria area of British Columbia – for more information see the chart at APPENDIX B and the governance documents attached.

⁴ E-Comm owns and operates a shared radio system with approximately 6000 users on behalf of police, fire and ambulance agencies in the Metro Vancouver area of British Columbia - for more information see the chart at APPENDIX B and the governance documents attached.



The majority of the decision-making structures (particularly with shared radio systems) balanced authority in a variety of ways:

1. Funding authority – the entity that pays for the service must be able to influence the future of the system (in shared systems);
2. Operating authority – notwithstanding the cost consequences, the systems are set up specifically to support public safety agencies in the performance of their responsibilities, accordingly there must be significant voice given to the service providers to ensure that the system meets their needs

Of the models studied, there does not appear to be significant movement toward bridging the public and private sector (with the exception of the Saskatchewan model, from which we were unable to receive documentation within the time constraints of the project).

In general, governance is focused on police, fire and emergency medical services (EMS), with varying degrees of provincial involvement. There is a focus on voluntary participation in the systems (although Ministries are generally required to participate in the provincial models); and Alberta has articulated that although participation in the province wide radio system is voluntary, the province is not intending to provide funding for radio systems if appropriate service can be provided by the province-wide system.

One of the significant challenges with highly structured “Member Pay” shared radio models (such as E-Comm and CREST) is that while technical interoperability is significantly advanced, the very formality of the models can act as an impediment to interoperability with non-Member agencies. Both E-Comm and CREST governance models permit new Members to join the system, subject to a number of criteria; however, while the E-Comm model **only** permits Member use of the system, the CREST governance model permits “Contracted Users”.

This is a significant distinction, as there are situations where the E-Comm model has been viewed as an impediment to easy integration of other organizations that may not want to fully participate as Members (or use the E-Comm system as their primary communication system) but may wish to be interoperable under certain predefined circumstances.

Further, strong regional models can make a more provincial focus more difficult as it involves a consideration of whether to create a new entity with a



provincial focus, to expand the current organizations, or to create a hybrid of the two.

Agreements

- *"Agreements" are mechanisms approved to ensure the availability and proper use of communications interoperability solutions for public safety.*
- *As the response stages progress from early to advanced stages, the formality of the agreements and number of agencies with which they are in place increases.⁵*

As the charts (APPENDIX B) indicate, even without a comprehensive study there are a wide range of formal contracting arrangements, and a range of legal structures, which include (but are not limited to):

- Government-owned and managed (e.g. provincial radio systems in Ontario and Alberta)
- Corporate models, established as private entities, with full control maintained by the participating public safety agencies (e.g. E-Comm, CREST)
- Contracts for service with a private sector supplier (e.g. Nova Scotia)

It is also important to consider that governance structures and agreements must evolve with the project (particularly in shared radio system implementations). The project governance must be fully reexamined when the system becomes operational; in particular, an increasing role for the users of the system is often a characteristic of an operating model.

In its Governance Charter, the Alberta government sets out a model which includes a range of agreements both inside the provincial government, between the provincial government and other public safety agencies, and with private sector partners.

E-Comm and CREST both have corporate "Articles of Incorporation" as well as "Members Agreements" which set out the relationship between the "corporate" Board of Directors, and the public sector entities that are the sole source of funding for the radio systems.

One model of interest is the structure in the National Capital Region for "Intelligence Sharing", while little written information is available at this

⁵ From the SAFECOM Self Assessment <http://www.safecomprogram.gov/SAFECOM/selfassessment/>



time; the NCR is approaching interoperability from a non-technical front, focusing on how service is provided first, rather than the enabling technologies.

The National Capital Region Strategic Security Council has representation from a wide range of stakeholders including Ottawa, Gatineau, Ontario, Quebec, the police agencies in the region as well as the border authorities. Senior personnel from all of the stakeholder agencies participate, and a range of operational committees have been created which are responsible to the National Capital Region Strategic Security Council.

While the focus is on policing and information sharing, there are relationships with other agencies (EMO, Health agencies, EMS, fire) as necessary, and depending on the circumstances. There is also specific consideration of how the group communicates and works with the private and not-for-profit sectors.

Unique to this entity is a strong focus on the future, in particular its efforts to create a strategic plan for the group, which should position it as an organization that remains relevant in the future. It is anticipated that documentation about the group will be available to the wider public safety community within the next few months.

In addition, many jurisdictions are achieving degrees of interoperability through less formal agreements, ranging from the use of such documents as the Memorandums of Understanding⁶ (where the agreements have each signatory bearing their associated costs, but agreeing on the process for sharing talk groups and equipment as necessary), to reliance on the Incident Command Structure (ICS) methodology (with some radio sharing as required).

One challenge that the public safety community struggles with is the difficulty in entering into legally binding agreements with other entities (and the delays inherent in multi-stakeholder models, with multiple revisions as different organizations and legal counsel review the proposed documents. This can lead to organizations avoiding formal structures and relying on relationships. There is also some resistance to formalized agreements that are seen to be difficult or unwieldy to change and adapt

⁶ See the sample MOU documentation provided by York Regional Police



While this “get-it-done” approach may be very effective in the short term, the mobility of personnel in the public safety sector makes reliance solely on relationships very risky.

It is our recommendation that entities looking to increase interoperability spend significant time with the other stakeholders (perhaps in a facilitated format) clarifying the expectations, authority and responsibilities of each party (including how parties are able to “opt out”) prior to considering legal commitments and documentation.

Through this study, other agreements on resource sharing and interoperability were also considered. Many organizations are working together on shared communications centers for call taking and dispatch. Some of these services are provided through contracts for service with a provider (e.g. E-Comm’s contracted call taking and dispatch services) while others have created more formal governance models to balance the statutory responsibility for service provision with a shared decision-making model (for example, the Calgary Public Safety Communications Centre).

Finally, it is recommended that additional analysis should be undertaken on the information-sharing agreements that police, EMS and fire are already participating in, as there is significant relevance at the governance level.

Funding

Funding for Capital Investments

- ***Addresses the levels and reliability of funding available to acquire one-time capital investments, such as equipment and radios (as opposed to funding for recurring operating costs).***
- ***As the response stages progress from early to advanced stages, funding becomes more consistent, sufficient and reliable***

Funding for Operating Costs

- ***Addresses the levels and reliability of funding available to cover recurring operating costs for interoperability equipment (as opposed to funding available for one-time capital costs).***
- ***As the response stages progress, funding becomes more consistent and reliable beyond the current budget cycle⁷***

⁷ From the SAFECOM Self Assessment <http://www.safecomprogram.gov/SAFECOM/selfassessment/>



Grant Funding

Canada has not experienced the benefit of the grant funding that has been available in the United States; making the investment in new systems to improve interoperability more difficult. However, Canada has also not developed reliance on funds that are not assured on ongoing basis.

We recommend caution in relying on grant or 911 CAL funding, without a clear commitment from participating agencies as to their financial obligation to pay in the event external funding is reduced or discontinued.

Provincial Funding

We have, however, seen significant financial investments at the provincial level (e.g. Alberta, Nova Scotia, Ontario) that are capable of being leveraged upon by new participants for the incremental cost of participation (in some systems this just requires the purchase of user devices).

Cost allocation models

Both E-Comm and CREST are completely user funded (there is no overriding provincial contribution), and are funded on a cost-recovery basis. Neither organization makes a profit; rather, as participation increases, costs levied to Members decrease.

Both E-Comm and CREST make a distinction between the funding of user equipment and how infrastructure/maintenance is paid for. User Equipment is funded directly by the agency using the equipment (even though the hardware is owned by E-Comm and CREST. Infrastructure and maintenance costs are divided in accordance with cost allocation models that consider factors such as:

- Geography
- Population served
- Use of the system
- Number of radios

The exact allocation to each of these factors is different between the two agencies, and CREST has made an adjustment for low density/large area organizations.



The formal entrenched models force Members to plan for both operating and capital system upgrades, as entering into the Members' Agreement commits the Member to paying the associated costs. The cost models also clearly identify the allocation of maintenance and operating costs.

The governance models in both cases permit the funding model to be changed; however, in the CREST model (for example) the approval requires 2/3 of the Members representing more than 50% of the total funding. The annual capital and operating budgets (and associated levies to Members) are approved by the Board of Directors.

There are, however, checks and balances on increases levied to Members, in that any proposed levy increase that is more than twice the cost-of-living must be approved by the Members directly.

Similar cost sharing models are also being used in the United States (for example, Snohomish County SERS System) and while they are often very difficult to understand and communicate to stakeholders, they often represent the most effective balance of "user pay" and "cost certainty".

Per Radio Charges

One funding model recommended by certain American groups for ongoing funding is a fixed dollar charge per radio. This model (somewhat adjusted) was originally used for the CREST system, and ended up being changed to an allocation model, as there were no means to pay for increased costs if membership wasn't increasing at the same rate.

Strategic Planning

- ***Refers to disciplined and documented efforts to produce fundamental decisions and processes designed to improve interagency communications in the future.***
- ***As the response stages progress from early to advanced, strategic planning efforts draw closer to completion and are accepted by a greater number of participants.⁸***

There was very little evidence in Canada of strategic planning for interoperability, the strongest model examined was the National Capital Region process (see above), although the documentation for this was not available at the time of writing this report. While E-Comm creates a strategic

⁸ From the SAFECOM Self Assessment <http://www.safecomprogram.gov/SAFECOM/selfassessment/>



plan, it is a corporate plan, with less focus specifically on increasing interoperability.

In consultation for this report, it also was apparent that most individual departments and organizations do not appear to be investing time and resources in either their strategic or operational plans to identify and create opportunities for increased interoperability.

Legislative Support

Governance decision making must consider the legal authorities and responsibilities of the participating agencies.

For the most part interoperability has not driven new legislation in Canada, with the exception of British Columbia. In order to foster and facilitate interoperability and shared public safety systems, the BC Government passed the Emergency Communications Corporations Act, which provides for the creation of a corporation under the BC Business Corporations Act for the specific purpose of providing public safety communication services.

Significant elements of the statute are set out in Appendix C below. One of the most innovative aspects of this statute is that the participants in an ECC Corporate model are protected through this broad statutory immunity. This is important because, as organizations are sharing resources, they are also vulnerable to the consequences of the conduct of other parties. By removing the associated risk, the ECC Act removes an impediment to interoperability.

One other result of the creation of a corporate entity owned by its Members is that the ongoing procurement of shared technologies is facilitated. ECC Corporations are able to procure technologies on a regional basis, benefiting from economies of scale.

By virtue of being “owners” of the system, regional public safety agencies can elect to participate, without needing to go through time consuming and costly procurement processes that might end with the selection of a different vendor than other regional participants. When an entity is ready to replace radio infrastructure, it knows the costs and impacts of joining the regional system.



OBSERVATIONS

Availability of Documentation

In completing this study, time constraints on this project have resulted in gaps in the analysis of the federal landscape; it was more difficult to obtain documents than was expected at the outset, including a number of organizations that did not feel comfortable releasing the governance documents without the approval of all of those participating.

By way of contrast, the American organizations contacted provided documents freely. This may be a function of the fact that in the US, governance documentation has been a prerequisite for accessing much of the grant funding that has been made available for interoperability. Accordingly, the documents are largely produced for "external consumption".

Function vs. Structure

From a governance-design perspective organizations need to ensure that not only do they have the right "boxes" in their structure, they also need the right PERSON (skill-set, authority, enthusiasm and belief in interoperability) to fill the box on behalf of the named entity.

Governance models also need to contemplate review and revision (***our recommendation is that there should be a set review process every 3-5 years***), as the operating needs will change over time, and may be dependent upon external circumstances. In our assessment ongoing review of the governance structure was not identified as a priority in any of the documents examined.

In order to reduce resistance to participation, the structure of governance models should consider consultative models that permit those not participating in the system/agreement to still attend meetings and contribute, with a view to minimizing the objections to interoperability.

Project vs. Operational

The study also identified that there existed strong project implementation documentation during the creation of shared radio systems (often vendor driven), but that ongoing operational governance could be further evolved



and applied; further, that additional focus could be placed on the use, training and exercise of the systems.

SAFECOM Interoperability Continuum

It is our recommendation that the SAFECOM continuum (as it relates to governance) continue to be used in Canada as a framework for analysis, however we suggest that most organizations are not aware of the components that make up governance (see above).

Movement to more advanced governance processes on the SAFECOM continuum does NOT assure movement along other aspects of the continuum and, in fact, those with “advanced” governance models are often focused on technology procurement and asset management, with less focus on other continuum components

We did not observe a governance focus on training, usage or SOPs in the models studied (or interviews conducted); rather they focused predominantly on technology decision making.

It is our recommendation that specific attention be spent on identifying the funding, decision making and planning models associated with those elements as well, and that emphasis be formalized into the governance design.

WHICH MODEL IS BEST?

The purpose of this study was to provide information on a number of the voice interoperability governance models in Canada. The choice of model will depend on the specific circumstances of the project or initiative being undertaken. See the diagram below for some of the considerations that an agency may want to consider.

(NOTE, this is not intended to be exhaustive; rather to outline some of the drivers for different projects)



NEXT STEPS

As set out above, it became apparent through this process that there was not a common understanding of what “governance” really means, both in terms of definition as well as in relation to in terms of the components that might advance organizations and projects along the governance continuum.

When asked to self evaluate on governance, organizations had a tendency to self assess as more “advanced” than a factor by factor analysis would have indicated.

Accordingly, it is our recommendation that in addition to continuing to collect the relevant governance documents, that CITIG consider undertaking a relatively simple baseline survey be completed (online, less than 10 minutes to complete) to gather information on the components that roll up into an advanced governance focus.



APPENDIX A - INTERVIEW AND DOCUMENT LIST

Ref #	Organization	Document	Contact	Available Format
1	BC Government	<i>Emergency Communications Corporation Act - Copy of Statute</i>	Mike Webb Wes Shoemaker	Electronic
2	E-Comm Wide area radio system	Articles of Incorporation	Peter Gauthier	Electronic
3		Members' Agreement	Peter Gauthier	Electronic
4		Service Level Standards	Peter Gauthier	Electronic
5		Cost sharing formula	Peter Gauthier	Electronic
6	CREST Wide area radio system	Articles of Incorporation	Gord Horth	Electronic
7		Members' Agreement	Gord Horth	Electronic
8		Cost sharing formula	Gord Horth	Electronic
	Alberta Radio Project		Alan Melenka	Paper (not to be released pending procurement process)
	Ottawa – Operation Intersect Intelligence Sharing Process for National Capital Region		Sue O'Sullivan Lance Valcour	To be provided
	Nova Scotia TMR	Summary of TMR System	Todd Brown	Electronic
9	York Police ⁹ Radio Agreement	MOU	Rick Finn	Electronic
	Quebec		Mike Harding	
	Ontario Radio	GMCO		
	PRIME BC -Province wide police records management system		Kevin Begg	To be provided
	PIP - Nationwide information sharing agreement		Jim Chu	To be provided
	Calgary Comm		Curtis Brochu	To be provided

⁹ MOU to Enable Voice Radio Interoperability between Durham Regional Police Service, Halton Regional Police Service, Hamilton Regional Police Service, OPP, Peel Regional Police, Toronto Police Service and York Regional Police.



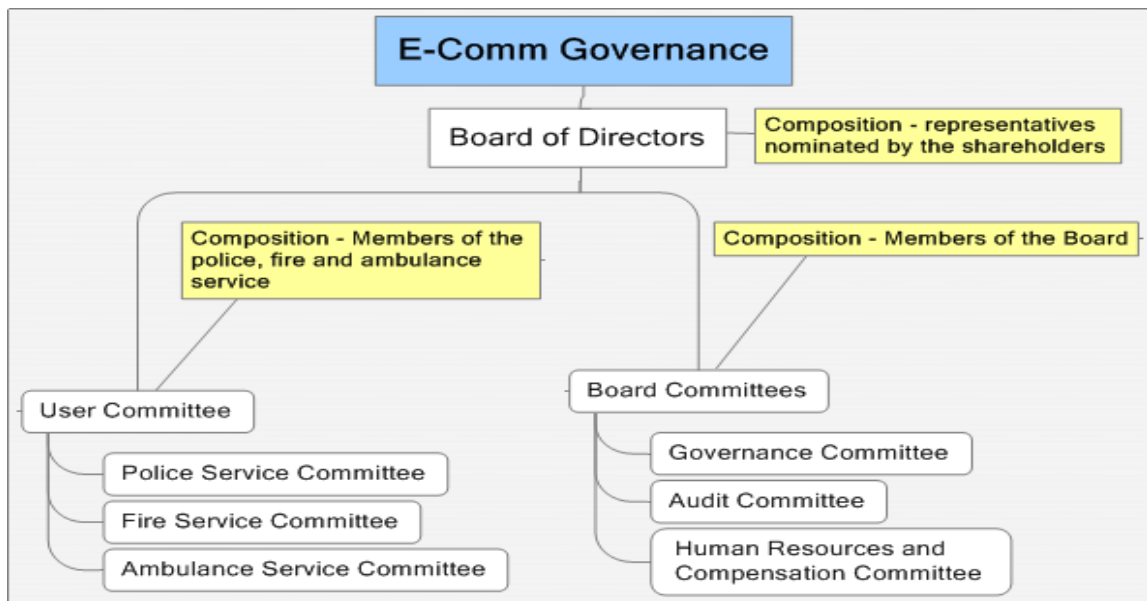
	Centre			
	IBET - Cross Border		Chris O'Brien	
	Toronto Fire Service		Mike Dube	
10	Alaska Land Mobile Radio		Del Brooks Julie Stinson	Electronic
11	Nebraska ¹⁰ Public Service Radio System	Governance Agreement		Electronic
12	Los Angeles Regional Tactical Communication System	MOU		Electronic
13	Wake County (Trunked Radio System and CAD)	Interlocal Agreement		Electronic
14	Washington State		Scott Miller	Electronic
15	SERS Snohomish County Emergency Radio System	Interlocal Agreement	http://www.sers800.org/ See also cost allocation document and interlocal agreement	
16	SAFECOM	Writing Guide for a Memorandum of Understanding		
17	SAFECOM	Creating a Charter for a Multi-Agency Communications Interoperability Committee		
18	SEARCH	Communication Interoperability Tech Guide – Governance Excerpt	SEARCH	
19	SEARCH/SAFECOM	Assesses place on the SAFECOM Continuum	SAFECOM (SEARCH hardcopy ¹ http://www.safecomprogram.gov/SAFECOM/selfassessments/	

¹⁰ Woodbury County, Iowa; Dakota County, Nebraska; Union County, South Dakota; City of South Sioux City, Nebraska

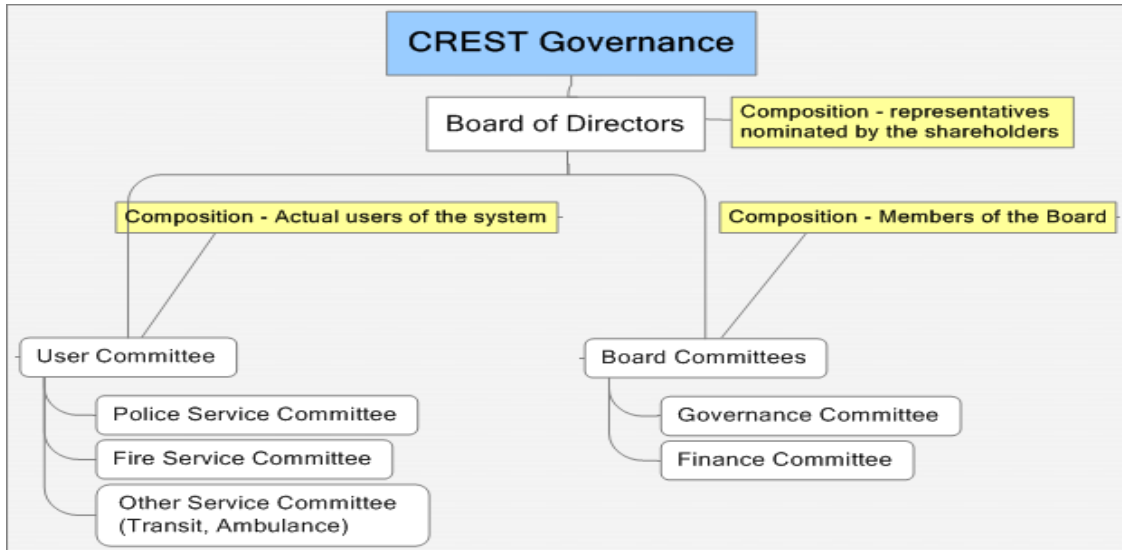


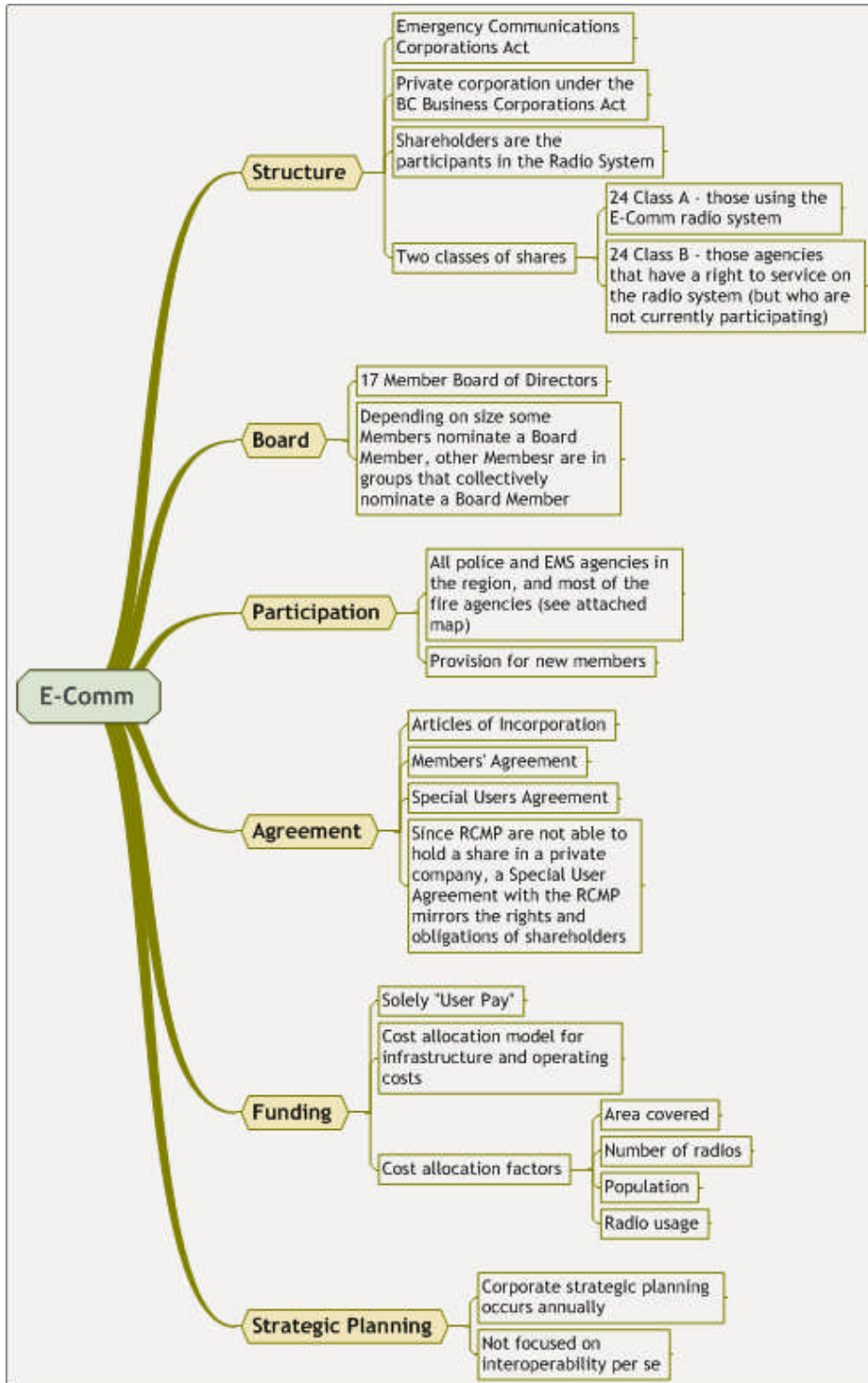
**APPENDIX B
OVERVIEW OF SPECIFIC PROJECTS/GOVERNANCE MODELS**

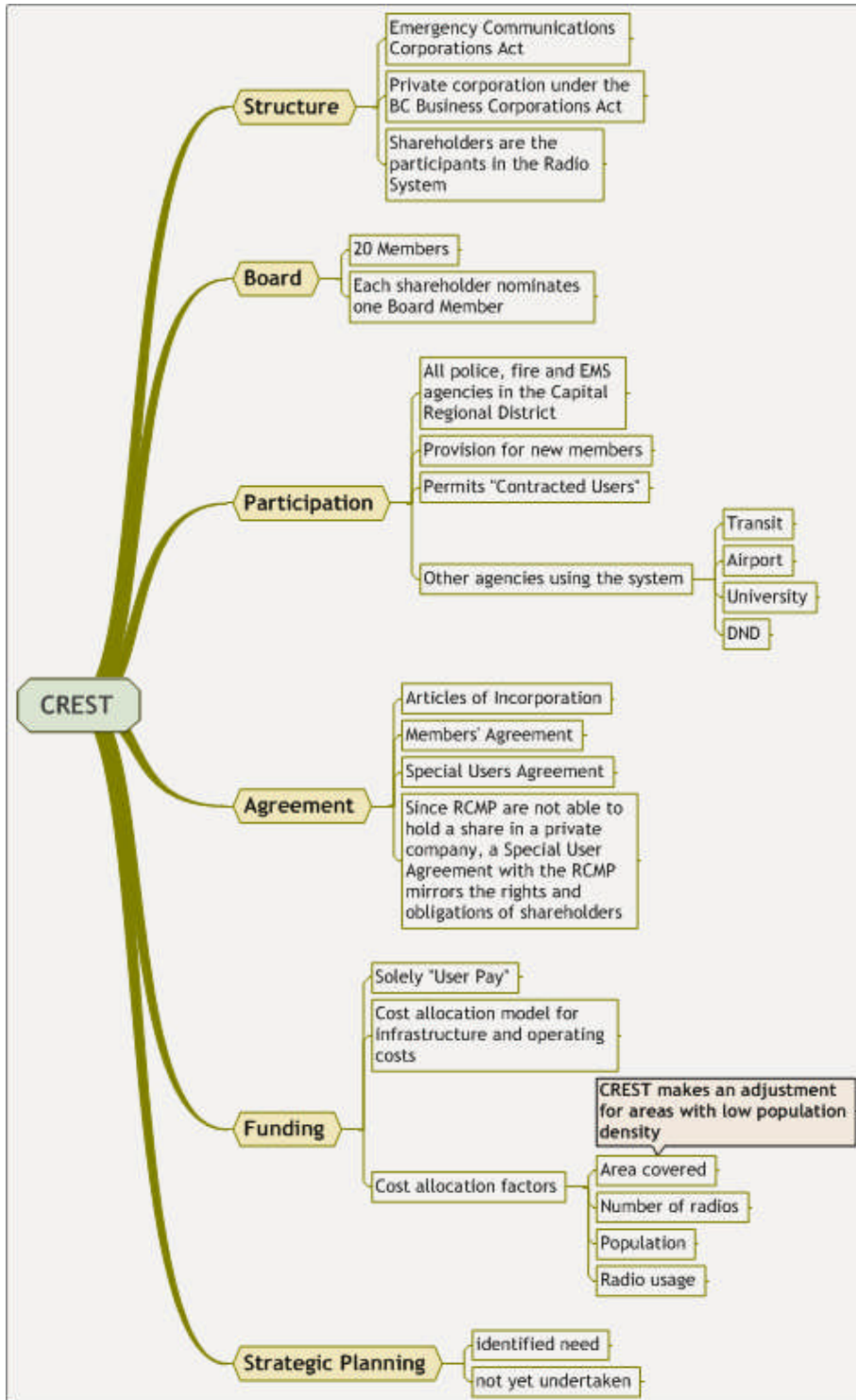
While the analysis of the models below is in no way exhaustive, it provides some insight into the range of drivers and structures that are currently in use.



The CREST model is similar; however CREST does not have a Human Resources and Compensation Committee, and also has representation on the User Committee from Transit.









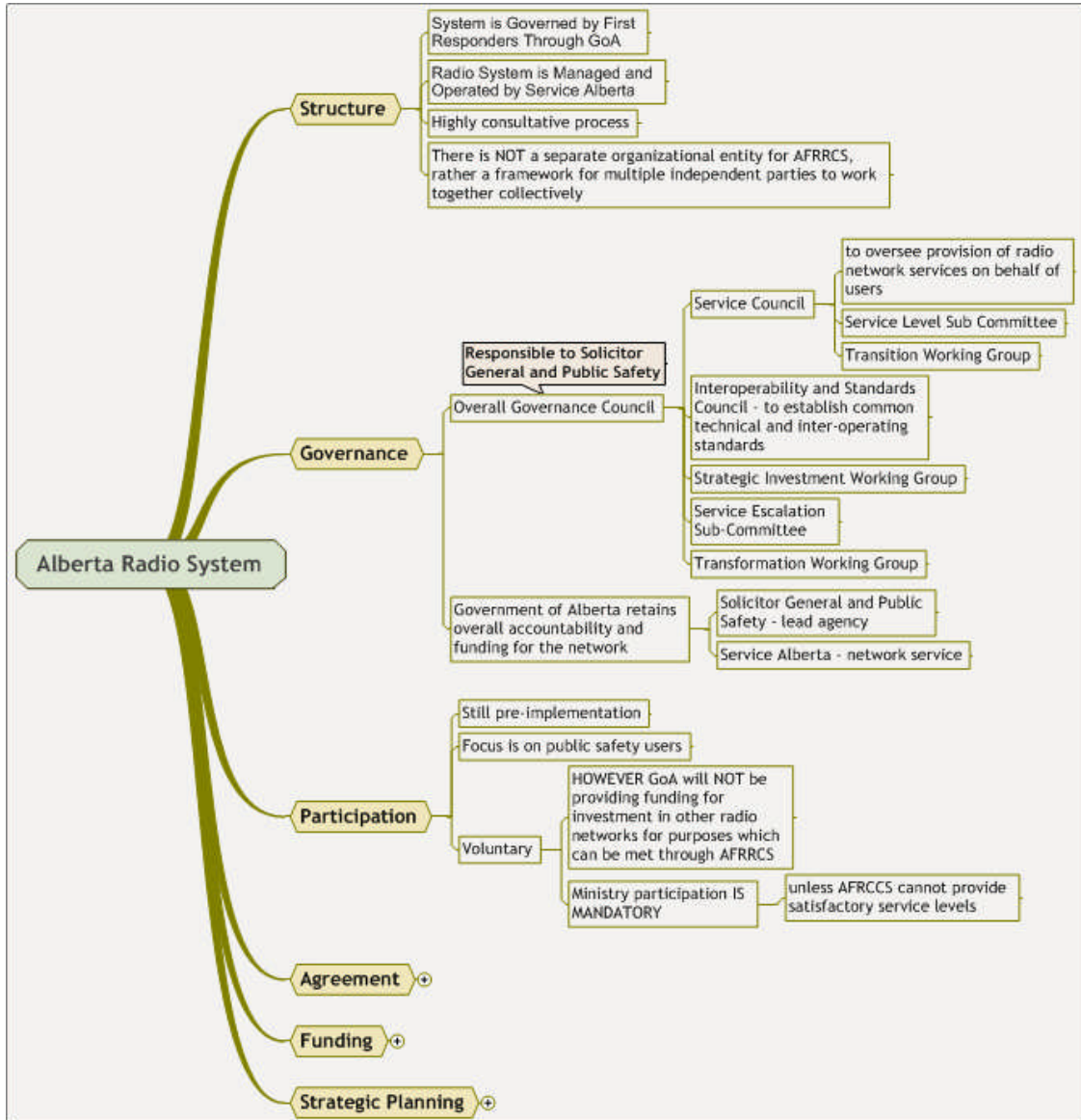
Alberta Shared Radio System

The Alberta Government has created a comprehensive Governance Charter (not publicly released pending the procurement process) which outlines in significant detail the decision making, funding and strategic planning models to be used.

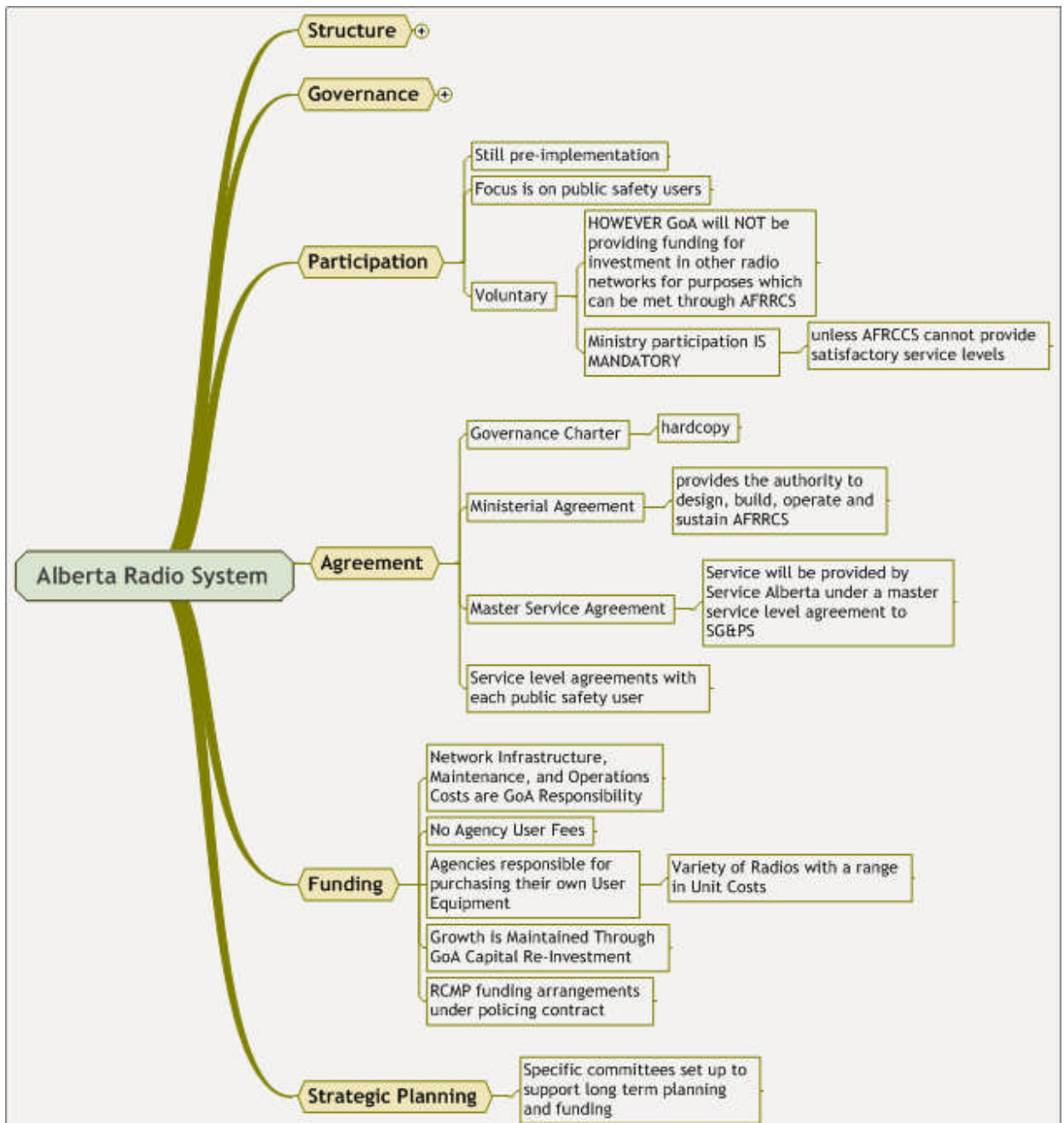
The Alberta project articulates a number of criteria for the Charter, including that it be:

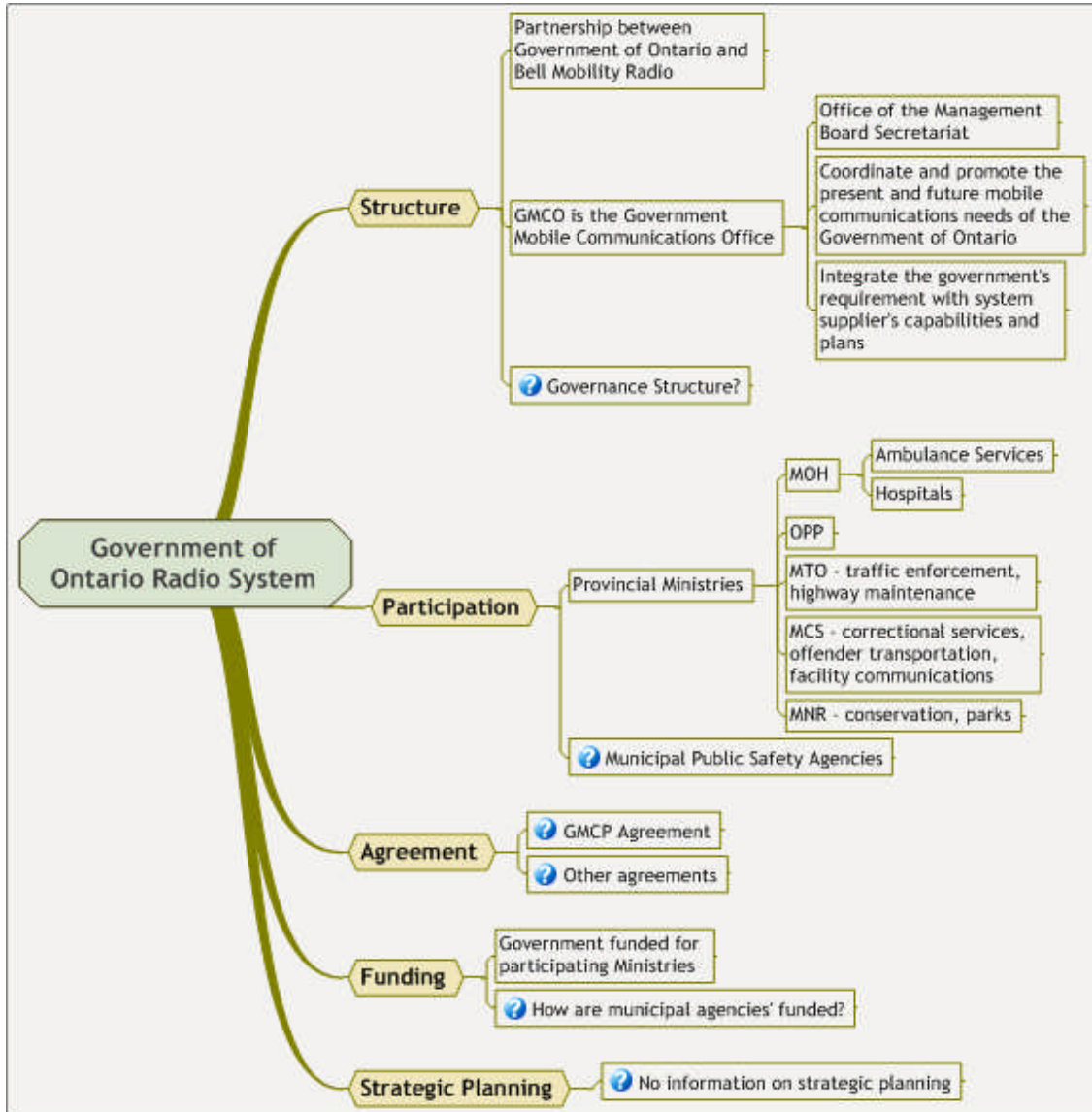
- Robust
- Legitimate
- Authoritative
- Comprehensive
- Accountable
- Sustainable
- Expert
- Marketable

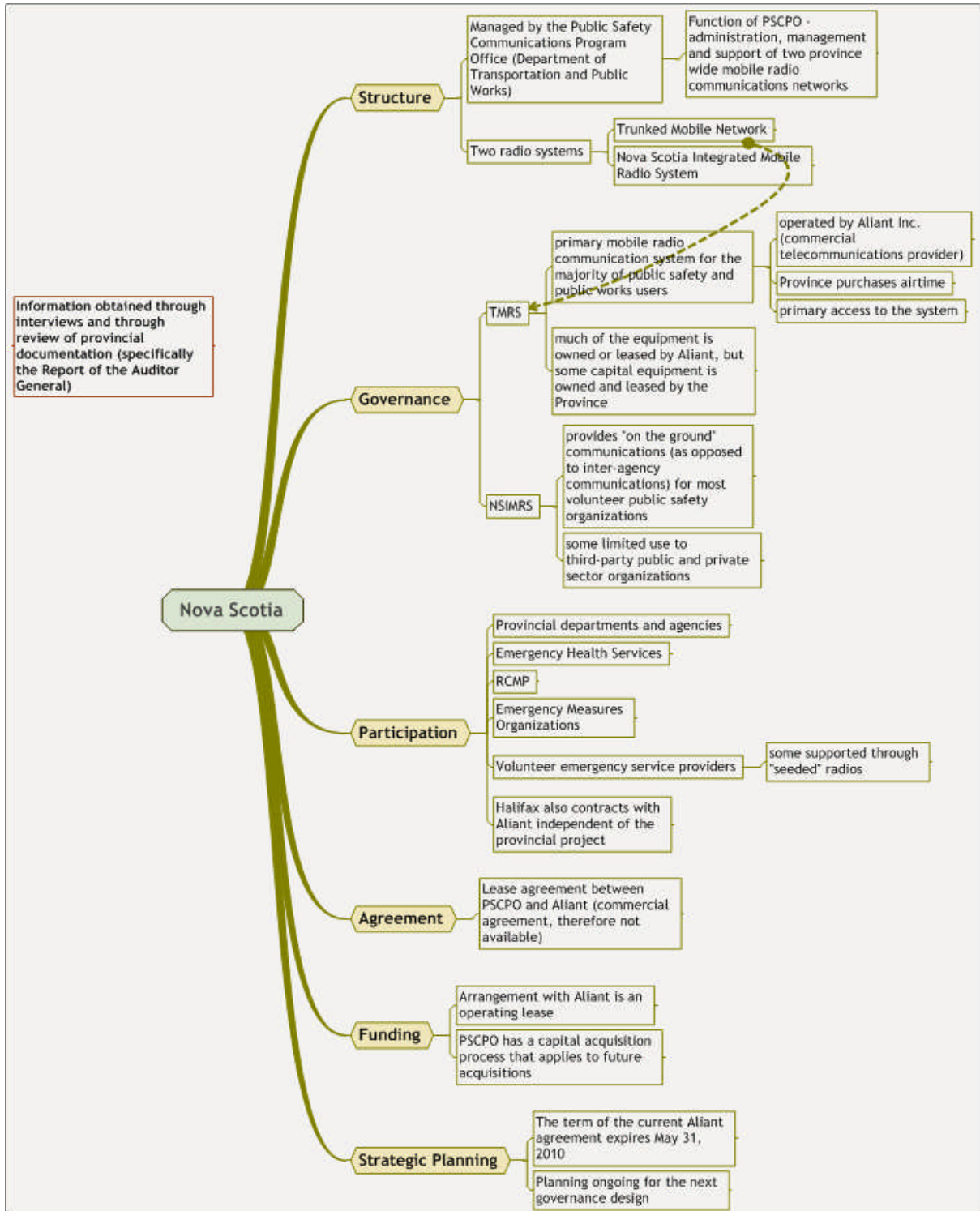
On review of these criteria, they seem to be relevant to any governance design, and are set out in detail in the Governance Charter. We strongly encourage any organization contemplating a shared radio system to review this Charter for guidance on the factors to be considered.



ALBERTA (continued)









APPENDIX C

SUMMARY OF KEY PROVISIONS OF THE BC EMERGENCY COMMUNICATIONS CORPORATIONS ACT:¹¹

The sharing of public safety infrastructure for the purposes of emergency communications was enabled by the Emergency Communications Corporations Act passed by the provincial government in 1997.

There have been two “emergency communications corporations” (“ECC Corporations”) designated pursuant to the ECC Act; E-Comm and CREST.

The ECC Act provides for the corporation to have the flexibility of a corporation, subject to certain public policy restrictions as set out in the ECC Act.

PURPOSE AND MEMBERS

The minister may designate corporations as “emergency communications corporation”; however such corporations “...must have as their primary purpose the provision of emergency communications and related services to its members”. The ECC Act further provides that services may be offered to public sector agencies even if they are not members. Additional purposes are able to be added by regulation upon approval of the Lieutenant Governor.

MEMBERS AND MEMBERS’ AGREEMENTS

The ECC Act provides (without limitation on who may be a member), that the following may enter into membership agreements with an ECC Corporation:

- Municipalities
- Regional districts
- Emergency services agencies
- Provincial government

The ECC Act further provides that the members’ agreement of an ECC Corporation may only be amended with the approval of the minister AND in accordance with that agreement, and in compliance with the Business Corporations Act.

¹¹ Memo was originally prepared by Paragon Strategic Services Ltd. for Capital Region Emergency Service Telecommunications (CREST) Incorporated, reprinted with permission.



NOTE: Although the ECC Act does not limit who may become a member of an ECC Corporation, inclusion of commercial members could impact CREST in areas such as tax status and allocation of frequencies (public safety quality of service is higher than commercial).

.CORPORATE LEGISLATION

The Business Corporations Act applies to an ECC Corporation, excluding s.154 (2) which deals with directors' liability. In the event of a conflict between the Business Corporations Act and the ECC Act, the ECC Act prevails.

RADIO FREQUENCIES

Although the allocation of radio frequencies is governed by federal legislation, section 6 of the ECC Act provides that upon becoming a member of an ECC Corporation, members must assign or transfer the radio frequencies the member holds for such services, and the ECC Corporation must acquire, hold and manage the spectra.

FINANCING

Section 7 of the ECC Act provides that members must pay the corporation for operating and capital expenditures that are assessed by the ECC Corporation. Section 8 sets out the criteria for borrowing (capital and bridge operating financing) by an ECC Corporation and provides access to the Municipal Financing Authority for ECC Corporations (subject to the Municipal Finance Authority Act).

FREEDOM OF INFORMATION

Pursuant to Schedule 2 of Freedom of Information and Protection of Privacy Act, an ECC Corporation is a "public body" and therefore subject to FOIPPA. However, the following provisions are included in the ECC Act.

- The records of an ECC Corporation relating to services provided to a member are deemed to be the records of that member and can only be released by that member
- Such records must be provided to the member to enable the member to comply with FOIPPA
- FOIPPA does not apply to access to the records of the RCMP



IMMUNITY

Section 10 of the ECC Act articulates the broad statutory immunities that apply to ECC Corporations. Such immunity applies to:

- The ECC Corporation
- Current or former members
- Current or former directors, employees or agents of ECC Corporations

No action or proceedings may be brought against the groups above for anything done (or omitted to be done) by the above in relation to the provision of or failure to provide emergency communications services by the ECC Corporation UNLESS the person has been guilty of malice or willful misconduct.

SUCCESSORSHIP

ECC Corporations are deemed to be successors pursuant to the Labour Relations Code. Further, employees of ECC Corporations have been deemed to be eligible to participate in the Municipal Pension Plan.

CONFLICTS

In the event of a conflict, the ECC Act supersedes both the Business Corporations Act and any provision of the memorandum, notice of articles, articles or members' agreement of an ECC Corporation.

PUBLIC INTEREST

If considered necessary in the public interest, the Lieutenant Governor in Council may make any order in relation to an ECC Corporation that the Lieutenant Governor considers appropriate, including declaring a resolution or decision of an ECC Corporation to be void, and to make other provisions in place of those declared void.

SUMMARY

The ECC Act provides members with protection to encourage resource and infrastructure sharing, subject to the public policy objectives of the provincial government.



In general, the majority of an Emergency Communication Corporation's decision making will be governed by its Members' Agreement with the substantive provisions of the ECC Act applying in the event of a significant change in the purpose, membership or operation of the Corporation.

Choosing a Voice Interoperability Governance Model

Are you procuring and managing shared voice radio assets?

Review the National Capital Region documents when available as this arrangement is not based on technology sharing

If yes, is this a fully funded provincial system?

NOTE: in all cases it is worth reviewing the elements of the other agreements as there is the option to "pick and choose" aspects that make sense

If no, do you have strong operational leadership committed to interoperability?

Yes

Who is going to own and operate the system?

Government

Consider models such as Alberta, Saskatchewan or Ontario

Private Sector

Consider models such as Nova Scotia

No

Is the organization "User Pay"?

Does your province have (or is it willing to implement) legislation such as the ECC Act in British Columbia?

If yes, consider models such as E-Comm or CREST

If no, take elements of the provincial systems (related to care and control) and consider cost allocation models such as those used by E-Comm and CREST

Yes

Consider a simple "Charter" statement without formal signature requirements if the parties are not making legal commitments to each other, or a slightly more formal MOU (see the York Regional Police et al MOU)

If there are formal commitments being made by the parties consider a Memorandum of Agreement or more formal Membership documentation

If no, are there ways that the organization can increase the leadership commitment? (For example, consider allowing non-participating agencies to attend meetings etc. prior to committing)