

REGIONAL DISTRICT OF CENTRAL OKANAGAN
EMERGENCY MANAGEMENT PROGRAM BYLAW NO. 1444, 2019

Being a bylaw to update, modernize and replace the current Regional District of Central Okanagan Emergency Program Bylaw No. 635, 1995

WHEREAS:

- A. The Regional District of Central Okanagan has, by Preparation for Emergencies Service Establishing Bylaw No. 489, 1991, and amendments made thereto, established the service for the preparation for emergencies;
- B. The Board wishes to provide a comprehensive regional emergency management program by a coordinated response of the Board, its member municipal councils and Westbank First Nation Council, and their respective officers and employees, volunteer service groups and external agencies, that will respond to natural and man-made emergencies and disasters with the goal of preserving life, property, the local economy and the environment in a comprehensive approach using prevention, preparedness, response and recovery, all in a manner that will ensure the continuity of government;
- C. The Board has, through Emergency Program Bylaw No. 635, 1995, established a regional emergency management program in accordance with the *Emergency Program Act*; AND
- D. The Board wishes to update and modernize the provisions of its Emergency Program Bylaw, to amend the Committee structure, to clarify the reporting structure, and to delegate Board authority to the EOC Director in order to effectively execute the RDCO Emergency Management Program.

NOW THEREFORE the Regional Board of the Regional District of Central Okanagan in open meeting assembled enacts as follows:

1. Interpretation

- 1.1. In this bylaw, "Act" means the *Emergency Program Act*.
- 1.2. Unless otherwise specifically stated, the words used in this bylaw shall have the same meaning as words have in the *Act*.
 - a) "Board" means the board of the Regional District,
 - b) "CAO" means the Chief Administrative Officer, Administrator or City Manager of the applicable organization.
 - c) "Chair" means that person elected by the Board as chair.
 - d) "Region" means all of the area within the boundaries of the Regional District.
 - e) "Regional District" means the Regional District of Central Okanagan.

- f) "Declaration of a State of Local Emergency" means a declaration, pursuant to Section 12(1) of the *Act* by the Chair, or by a municipal council or Mayor, or by a Band Council or Chief as the case may be, that an emergency exists or is imminent.
- g) "Disaster" has the same meaning as under the Act, being "a calamity that:
 - i. is caused by accident, fire, explosion or technical failure or by the forces of nature, and
 - ii. has resulted in serious harm to the health, safety or welfare of people, or in widespread damage to property.
- h) "Emergency" has the same meaning as under the Act, being "a present or imminent event or circumstance that:
 - i. is caused by accident, fire, explosion or technical failure or the forces of nature, and
 - ii. requires prompt coordination of action or special regulation of persons or property, to protect health, safety or welfare of a person or to limit damage to property".
- i) "Emergency Program Coordinator" means the person appointed by the Regional District CAO as coordinator for the Emergency Management Organization pursuant to section 6(3.1) of the *Act*.
- j) "Emergency Management Organization" means the organization of that name established under this bylaw.
- k) "Emergency Management Program" means the organization, plan and procedures established from time to time for overall coordination of emergency planning, preparedness, response and recovery actions within the Region.
- l) "EOC" means the Emergency Operations Centre as defined in the Emergency Management Program, or such other facility as may be designated from time to time as the EOC.
- m) "EOC Director" means the person with overall responsibility and authority for coordinating the site support response and recovery in the Regional District EOC.

2. Emergency Program

2.1. The following entities and persons are part of the Regional District's Emergency Management Program:

- a) the Board,
- b) an Emergency Management Organization,
- c) an Emergency Program Coordinator, and
- d) an Emergency Operations Centre Director.

3. The Board

3.1. In accordance with the section 6(1) of the Act, the Board is at all times responsible for the direction and control of the response of the Board to an emergency or disaster, and in particular:

- a) in accordance with the Act, the Board may declare a State of Local Emergency in an electoral area;
 - b) the Board may delegate its powers and duties under the Act, as required, and to monitor the use of such powers; and
 - c) to prepare, or cause to be prepared an emergency plan respecting preparation for, response to, and recovery from an emergency or disaster.
- 3.2. Notwithstanding the provisions of subsection 3.1, in accordance with the Act the Chair may carry out the responsibilities specified in clause (a), provided the Chair has used best efforts to obtain the consent of the other members of the Board.

4. Emergency Management Organization

- 4.1. The Board hereby delegates its responsibilities and powers under the *Act*, except for the power to make a Declaration of a State of Local Emergency, to the Emergency Management Organization.
- 4.2. An Emergency Management Organization consisting of the following persons is hereby established pursuant to section 6(3) of the Act:

- a) the CAO for each of the following:
 - i. the City of Kelowna,
 - ii. the City of West Kelowna,
 - iii. the District of Peachland,
 - iv. the District of Lake Country,
 - v. the Regional District, and
- b) the Emergency Program Coordinator.

The Emergency Management Organization is accountable to the Board and shall have as its Chair, the CAO from the Regional District.

- 4.3. The Emergency Management Organization shall be responsible for the following:
- a) developing and implementing the Emergency Management Program, including emergency plans and other preparedness, response and recovery measures for emergencies and disasters,
 - b) providing strategic direction and oversight to the Emergency Program Coordinator,
 - c) recommending the appointment of the Emergency Program Coordinator;
 - d) providing oversight of the Emergency Management Program;
 - e) producing an Emergency Plan Manual based on the principles of the British Columbia Emergency Management System, which manual shall provide a general framework that covers preparedness, response, and recovery plans within which the Emergency Management Organization can formulate roles and responsibilities to deal with emergencies and disasters (for clarity, minor amendments, such as names, addresses and telephone numbers in the Emergency Plan Manual may be approved by the Emergency Program Coordinator),.

- f) completing the annual Emergency Management Program budget and work plan then forwarding it to the Regional District Chief Financial Officer,
- g) approving emergency plans and procedures developed by the Emergency Program Coordinator,
- h) establishing such sub-committees and working groups as it deems necessary to carry out its duties and obligations.

5. Emergency Program Coordinator

- 5.1. The Board hereby delegates to the Regional District CAO the responsibility and power to appoint the Emergency Program Coordinator.
- 5.2. The Emergency Program Coordinator is accountable to the Regional District CAO.
- 5.3. The Emergency Program Coordinator is responsible for:
 - a) providing leadership and administration for the emergency management program,
 - b) coordinating and/or supervising any sub-committees or work groups,
 - c) developing a Strategic Plan, action plans and budget,
 - d) maintaining all emergency plans and documentation,
 - e) providing an annual status report on the level of preparedness,
 - f) coordinating a training and exercise program,
 - g) coordinating with other governments, non-government agencies, First Nations and private sector organizations,
 - h) establishing and maintaining an EOC, and
 - i) establishing, coordinating and supporting volunteer programs.
- 5.4. The Emergency Program Coordinator will produce an annual program budget and work plan and submit it to the Regional District CAO prior to January 1st.
- 5.5. The Emergency Program Coordinator may establish committees and working groups as considered necessary to assist with carrying out the Emergency Coordinator's duties and obligations.

6. Emergency Response Authority

- 6.1. The Emergency Management Program will conform to the "B.C. *Emergency Management System*" (BCEMS).
- 6.2. The Emergency Management Organization will determine the criteria and implement a policy & procedure that designates who the EOC Director is under various conditions and stages of EOC activation.
- 6.3. The EOC Director is accountable to the Emergency Management Organization.

- 6.4. Pursuant to Section 8 of the *Act*, the EOC Director may, whether or not a Declaration of a State of Local Emergency has been made, implement all or portions of the Emergency Management Program, if, in the opinion of the EOC Director, there is an emergency disaster within the Region.
- 6.5. Pursuant to Section 12 of the *Act*, upon issuance of a Declaration of a State of Local Emergency, the EOC Director will implement the applicable portions of the Emergency Management Program.
- 6.6. For clarity, in the case of an emergency or disaster, the jurisdiction or jurisdictions in which the emergency or disaster occurs, shall have the primary responsibility for response to the emergency or disaster, including all associated costs, including the recovery of such costs from the Provincial and/or Federal emergency funding resources.
- 6.7. The Regional District and the Westbank First Nation have entered into an agreement, and may enter into further agreements in the future, establishing and setting out the relationship between the Regional District and the Westbank First Nation in respect of equitable distribution of costs pertaining to the subject matter of this bylaw, and including the role of the CAO from the Westbank First Nation, the role of the Westbank First Nation in the Emergency Management Organization and the roles of the Westbank First Nation, CAO of the Westbank First Nation, Emergency Management Organization, Emergency Program Coordinator and EOC Director in relation to emergencies and disasters affecting the jurisdiction of the Westbank First Nation.

7. Emergency Expenditures for Electoral Area Emergencies and Disasters

7.1. Pursuant to *Section 401 [Limit on Expenditures]* of the *Local Government Act*, the Regional District CAO is authorized to make expenditures on behalf of the Regional District which are not included in the financial plan of the Regional District, where such expenditures are required for the preservation of life, health and the protection of property during an emergency or disaster in the electoral areas, on the following basis:

- a) Up to and including two hundred and fifty thousand dollars (\$250,000), after consultation with the Chair; and
- b) All amounts exceeding two hundred and fifty thousand dollars (\$250,000), with the prior written approval of the Chair.

Any expenditure made under this section must be presented to the Board in a report under the signature of the Chair.

8. Liability

- 8.1. In accordance with the *Act*, no person, including, without limitation, the Board, its municipal Councils, their respective officers and employees, the Chair, members of Regional District of Central Okanagan Emergency Management Organization, a volunteer and any other persons appointed, authorized or requested to carry out measures relating to emergencies or disasters, is liable for any loss, cost, expense, damages or injury to persons or property that result from:

- a) the person in good faith doing or omitting to do any act that the person is appointed, authorized or required to do under this bylaw, unless, in doing or omitting to do the act, the person was grossly negligent, or
- b) any acts done or omitted to be done by one or more of the persons who were, under this bylaw, appointed, authorized or required by the person to do the acts, unless in appointing, authorizing or requiring those persons to do the acts, the person was not acting in good faith.

9. Repeal

9.1. Regional District of Central Okanagan Emergency Program Bylaw No. 635, 1995 as adopted by the Regional Board on the 8th day of May 1995 is hereby repealed.

10. Citation

10.1. This bylaw may be cited for all purposes as the "Regional District of Central Okanagan Emergency Management Program Bylaw No. 1444, 2019.

READ A FIRST TIME THIS 18TH DAY OF JULY 2019

READ A SECOND TIME THIS 18TH DAY OF JULY 2019

READ A THIRD TIME THIS 18TH DAY OF JULY 2019

ADOPTED THIS 18TH DAY OF JULY 2019



CHAIRPERSON



DIRECTOR OF CORPORATE SERVICES

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 1444 cited as the "Regional District of Central Okanagan Emergency Management Program Bylaw No. 1444, 2019" as read a third time and adopted by the Regional Board on the 18th day of July 2019.

Dated at Kelowna, B.C. this
18th day of July 2019



DIRECTOR OF CORPORATE SERVICES