



Governance & Services Committee

TO: Governance and Services Committee

FROM: Brian Reardon
Chief Administrative Officer

DATE: July 5, 2019

SUBJECT: Proposed Update to Emergency Program Bylaw No. 635, 1995

Purpose: To replace and rescind Regional District of Central Okanagan Emergency Program Bylaw No. 635, 1995.

Executive Summary:

As part of the systematic review of all documents associated with service establishment bylaws, staff is pleased to present a complete rewrite of the Emergency Program Bylaw No. 635, 1995. This bylaw establishes the operational parameters under which the Regional District of Central Okanagan (RDCO) provides a regional emergency management program.

The program has evolved significantly in the past 24+ years. Upon review, it became apparent that a complete rewrite and rescindment of the current bylaw would be necessary in order to meet current provincial regulations and match our current operating guidelines.

It should be noted that the Central Okanagan Regional Emergency Management Program is touted as one of the best in the Province. This is in large part due to lessons learned in the 2003 Kelowna Fire Storm, the 2017 & '18 flood seasons and the expertise of our Emergency Program Coordinators over the years. The new Emergency Management Program Bylaw was developed in collaboration with our Emergency Program Coordinator, Travis Whiting, with the assistance of our solicitors and presented to the RDCO CAO Committee on June 19, 2019 which received unanimous support.

Should the Committee support the proposed amendments, a motion supporting staff's recommendation below would be in order. In addition, the wording of the Council Resolution mentioned under External Implications of this report will be forwarded to all municipal partners.

RECOMMENDATION:

THAT the Governance and Services Committee recommend the Regional Board approve First, Second, and Third Readings and Adoption of the Regional District of Central Okanagan Emergency Management Program Bylaw No. 1444, 2019.

Respectfully Submitted:

Brian Reardon, CAO

Background:

Four months after the City of Kelowna became a participant in the extended service for the preparation for emergencies the Regional Board adopted RDCO Emergency Program Bylaw No. 576, 1993 being a bylaw that established the operational parameters under which the Regional District of Central Okanagan provides a regional emergency management program in accordance with the powers conferred to it in Provincial Regulation #445/92.

Bylaw No. 576 was subsequently repealed when, in the spring of 1995, the Regional Board gave initial readings and adopted Bylaw No. 635 which added the newly incorporated District of Lake Country as a participant. Bylaw No. 635 has remained unchanged to this day.

A lot has happened with the service in the 24+ following years. Amongst them are the lessons learned during the 2003 Kelowna Fire Storm and the 2017/18 Flood Seasons. Despite the best of intentions, the paperwork related to this service never kept up with the evolution of the program and the changes that had to be made to keep the program running. It was out of necessity that new operating guidelines were introduced and with time have become established practice over the years.

Upon review, it became apparent that a complete rewrite and rescindment of the current bylaw would be necessary in order to meet current provincial regulations and reflect our current operating guidelines. In 2017, just weeks before record setting flooding occurred in the Okanagan Valley, a complete review of Bylaw No. 635 was identified as a top priority.

It should be noted that the Central Okanagan Regional Emergency Management Program is touted as one of the best in the Province. This is in large part due to lessons learned in the 2003 Kelowna Fire Storm, the 2017 & '18 flood seasons and the expertise of our Emergency Program Coordinators.

The new Emergency Management Program Bylaw was developed in collaboration with our Emergency Program Coordinator, Travis Whiting and led by the RDCO Chief Administrative Officer, with assistance from our solicitors at Young Anderson. Our systematic approach included this new draft bylaw being presented to the RDCO CAO Committee on June 19th, 2019 which received unanimous support.

Guiding Principles:

The guiding principles used to develop Emergency Management Program Bylaw No. 1444 are:

- Must meet all requirements of the Provincial Emergency Program Act,
- Must meet all requirements of the BC Emergency Program Management Regulation,
- Must conform to the B.C. Emergency Management System (BCEMS),
- Must reflect current RDCO EOC operating guidelines and established practices,
- Must be structured as a regional program with a clear reporting structure,
- New bylaw to be written to replicate the systems and structure used in 2018. Any deviations from that are identified, explained and agreed to prior to moving forward,
- New bylaw to be written with the appropriate delegated authority to the Emergency Management Organization and the Regional District CAO.

Emergency Management Program Bylaw No. 1444, 2019 is based on the principles noted above. At its core it has the Board, an Emergency Management Organization, an Emergency

Program Coordinator, and an Emergency Operations Centre Director as the four entities and persons that form the Regional District's Emergency Management Program. The roles, responsibilities, and authority of each person and entity are described in the bylaw.

The draft Emergency Management Program Bylaw No. 1444, 2019 envisions the Regional Board delegating its full authority to the Emergency Management Organization comprised of the CAO's from each member municipality plus the Emergency Program Coordinator. It is also based on the continuation of a Service Agreement with the City of Kelowna for the provision of an Emergency Program Coordinator and the Emergency Operations Centre itself.

The Emergency Management Organization is responsible for developing and implanting the Emergency Management Program, including emergency plans and other preparedness, response and recovery measures for emergencies and disasters. This is further explained in Section 4.3 of Bylaw No. 1444.

The Emergency Program Coordinator is appointed by the Regional District CAO, reports to the Regional District CAO, and is responsible for providing leadership and administration services to the Emergency Management Program. This is further explained in Section 5.3 of Bylaw No. 1444.

The Emergency Operations Centre (EOC) Director is designated using criteria approved by the Emergency Management Organization and will depend on the location(s) of the emergency, the Director's proximity to the EOC and the nature of the emergency. The default EOC Director at this time is the Regional District CAO. The EOC Director is accountable to the Emergency Management Organization. Emergency Response Authority is further explained in Section 6 of Bylaw No. 1444.

The Regional Board and Municipal Councils retain the exclusive authority to declare a State of Local Emergency, which is something that cannot be delegated.

Financial Considerations:

The adoption of the Regional District of Central Okanagan Emergency Management Program Bylaw No. 1444, 2019 reflects current operational requirements and in of itself will not result in any increase in costs.

The other financial consideration associated in the adoption of this bylaw can be found in Section 7 of Bylaw No. 1444 which includes provisions that regulate maximum spending limits for the Regional District CAO when responding to Electoral Area Emergencies and Disasters. Municipalities establish maximum spending limits for their CAO's through a separate municipal bylaw.

Organizational Issues:

The adoption of Regional District of Central Okanagan Emergency Management Program Bylaw No. 1444, 2019 will create a true regional emergency management program that is rooted under the authority of the Regional District, is written with shared decision making and collaboration in mind and maintains the grit and essence of the best Emergency Management Program in the province.

External Implications:

In order to legitimize the adoption of this Emergency Program Bylaw all municipal participants in the RDCO Emergency Preparedness Service must adopt a Council resolution worded as follows:

“Whereas council wishes to establish an emergency management organization, as required by the Emergency Program Act and to provide a framework for the municipality to develop its own operational emergency response protocols, Council hereby resolves that:

- 1. Pursuant to the Emergency Program Act (British Columbia), the emergency management organization established by under Regional District of Central Okanagan Emergency Management Program Bylaw No. 1444, 2019 is hereby established as the emergency management organization for the whole of the municipality and.*
- 2. All of council's duties and powers under the Emergency Program Act (British Columbia) are hereby delegated to that emergency management organization, except for the power to make a declaration of a state of local emergency under that Act.”*

The wording of the resolution was provided by our solicitors at Young Anderson and has been reviewed and approved by myself and our Emergency Program Coordinator. It provides the necessary linkages to the Regional District Emergency Management Program and formalizes council's delegation of duties and powers, except for the power to make a declaration of a state of local emergency under the Emergency Program Act.

Alternative Recommendation:

Regional District of Central Okanagan Emergency Program Bylaw No. 635, 1995 is more than 24 years old, does not reflect our current practice, and limits our ability to provide this service in an effective manner. The recommendation in this report aims to align the new bylaw provisions with our established practices and meet current legislative requirements.

As such staff has no alternative recommendation at this time.

Attachment(s): Bylaw No. 576, 1993
Bylaw No. 635, 1995
Draft Bylaw No. 1444, 2019