



# Governance & Services Committee

**TO:** Governance and Services Committee

**FROM:** Brian Reardon, CAO

**DATE:** July 2, 2019

**SUBJECT:** Proposed Amendments to the Preparation for Emergencies Bylaw No. 489, 1991

---

**Purpose:** To amend the Regional District of Central Okanagan Preparation for Emergencies Bylaw No. 489, 1991.

## **Executive Summary:**

As part of the systematic review of all documents associated with service establishment bylaws, staff is pleased to present proposed amendments to the Preparation for Emergencies Bylaw No. 489, 1991. This bylaw authorizes the Regional District of Central Okanagan (RDCO) to provide a service for the preparation for emergencies. This bylaw has its origins going back 27+ years.

Proposed amendments being brought forward for the Committee's consideration include adding a description of the service, updating the participating areas to reflect municipal incorporations and renaming the electoral areas', expressly refer to additional cost recovery methods, and to rename the bylaw using current legislative terminology. These proposed amendments were presented to the RDCO CAO Committee on June 19, 2019 and received unanimous support.

Should the Committee support the proposed amendments, a motion supporting staff's recommendation below would be in order. In terms of process, all amendments to service establishment bylaws must receive approval from the Inspector of Municipalities in Victoria before the Board is able to give final consideration and approval to this bylaw. We will also be seeking consent from the Electoral Areas and Municipalities to approve this amendment bylaw.

## **RECOMMENDATION:**

**THAT** the Governance and Services Committee recommend the Board approve First, Second and Third Readings to Regional District of Central Okanagan Emergency Preparedness Service Establishment Amendment Bylaw No. 1443, 2019 and seek 'consent' from the service participants in accordance with Sections 346 and 347 of the *Local Government Act*.

Respectfully Submitted:

Brian Reardon, CAO

## Background:

In the fall of 1991 the Regional Board gave initial readings to Bylaw No. 489 being a bylaw to establish and operate an extended service for the preparation for emergencies. This service establishment bylaw was subsequently approved by the Inspector of Municipalities and referred back to the Regional Board in January, 1992 at which point it was approved. The participants in the service included the District of Peachland and Electoral Areas “A”, “G”, “H” and “I”.

A lot has happened with the service in following 27+ years. In 1993, a year after the creation of the service, the Board approved an Emergency Program Bylaw No. 576 that set out the parameters on how the program would operate. In July, 1994 the Board approved Amendment Bylaw No. 589 which added the City of Kelowna as a new participant to the service and converted a sub-regional service into a fully regional service. In 1995, a year after the City of Kelowna joined the service the Board approved an updated Emergency Program Bylaw (Bylaw No. 635).

Service Establishment Bylaw No. 489, 1991 has been amended twice since its adoption. The first amendment, Bylaw No. 506, 1992, added a reference to the applicable section of the then Municipal Act that establishes a service. Then in July 1994, Bylaw No. 589 added the City of Kelowna as a participant in the service and provided changes to the cost allocation formula. .

With respect to the service establishment bylaw, staff is recommending changes that include:

Proposed Amendments	Reasoning:
Add a Description of the Service	Pursuant to Section 339(1) (a) of the <i>Local Government Act</i> an establishing bylaw must describe the service. Bylaw No. 489, 1991, as amended, currently has no description.
Updating the Participating Areas in the Service	Since the adoption of Bylaw 489 in 1991 the District of Lake Country and the City of West Kelowna have incorporated. Also, the names of the two Electoral Areas have been changed.
Include Additional Cost Recovery Methods	In addition to the current method of recovering costs through property value taxes, it is deemed prudent to also recover costs by way of agreement, enterprise, gift, grant or otherwise in accordance with the <i>Local Government Act</i> .
Rename the Bylaw using Current Legislative Terminology	The current bylaw name implies the scope of the service is for the “ <i>preparation for emergencies</i> ”. In fact the Provincial legislation regulating this type of service includes preparation for, response to, and recovery from emergencies.

These proposed amendments were presented to the RDCO CAO Committee on June 19<sup>th</sup>, 2019 and received unanimous support.

**Financial Considerations:**

Recognizing that the service has evolved significantly over time, one of the guiding principles in redrafting this bylaw was to reflect our current practice that has made our Emergency Management Program one of the best in the Province. To that end, the provisions contained in the “Emergency Preparedness Service Establishment Amendment Bylaw No. 1443, 2019” will not increase costs associated with this service. To the contrary, by adding the authority to generate other revenue streams we hope we will be able to offset program costs in the future.

**Organizational Issues: None.**

**External Implications:**

Updating this service establishment bylaw will clarify the current scope of the program, reflect current participants in the service and bring our current procedures into compliance with all legislative requirements. This will be appreciated by all of our municipal partners and Westbank First Nation. WFN is a valued partner in the service and participates through a service agreement with the RDCO.

All of our municipal partners will be required to bring this matter forward to their respective Council for consideration and provide “consent” to the adoption of Bylaw No. 1443, 2019 in accordance with Section 346 of the *Local Government Act*.

Additionally, both Electoral Area Directors will be asked to provide their “consent” to the adoption of Bylaw No. 1443, 2019 in accordance with Section 347 of the *Local Government Act*.

**Alternative Recommendation:**

Regional District of Central Okanagan Preparation for Emergencies Bylaw No. 489, 1991 is more than 27 years old, does not meet current legislative requirements, and limits our ability to provide this service in an effective manner. The proposed amendments to this service establishment bylaw reflect our current practice which has been in place for more than two decades. The recommendation in this report aims to align the bylaw provisions with our current practice and meet current legislative requirements.

As such, staff has no alternative recommendation at this time.

Attachment(s): Bylaw No. 489, 1991  
Bylaw No. 506, 1992  
Bylaw No. 589, 1994  
Draft Bylaw No. 1443, 2019